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ONTARIO.

THE MEMBER'S MANUAL
AND
MR. SPEAKER'S DECISIONS.

1893.

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RULES AND ORDERS

DECISIONS
OF
MR. SPEAKER

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Ontario. Legislative Assembly

THE MEMBER'S MANUAL

OF

PRACTICE AND PROCEDURE

IN THE

LEGISLATIVE ASSEMBLY

OF THE

PROVINCE OF ONTARIO,

WITH

DECISIONS OF MR. SPEAKER,

FROM 1867 TO 1893,

RULES OF THE HOUSE,

AND MISCELLANEOUS INFORMATION.

BY

CHARLES CLARKE,

Clerk of the Legislative Assembly of Ontario,

1893.

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PREFACE.

The experience of a quarter century of legislation, with a single Chamber, has fairly tested the system inaugurated upon this Continent on a large scale when the Province of Ontario adopted it in 1867. It has developed a Parliamentary Practice which, while fashioned upon that of the British Isles, and adhering as closely to it as circumstances have permitted, has made some slight departures from the great constitutional original upon which it was based. To give an intelligent outline of the Procedure of the Legislative Assembly of Ontario, as it exists to-day, and to afford a guide to the new men who enter the Chamber as law-makers for the first time after every General Election, has been the aim of the compiler of this little work. He makes no claim to originality in conception or execution of it, and frankly admits how deeply he has been indebted to the British Parliamentary authorities from whom he has freely quoted. He has not sought to make a big book, but to produce a short compendium of Parliamentary Law which may find, he hopes, a place in the desks of the Legislators of Ontario, and be of some service to the Members of the Sister Provinces which have discarded a Second Chamber. And, while this has been the main object which he has kept steadily in view, he flatters himself that the "Manual" will be of equal use to the Municipal representative who desires to make himself familiar with the rules of debate and the various points of order, and form, which arise, from time to time, in the transaction of business of public character.

A few abbrevations have been used to which the following is the key: "B. H. of C." signifies "British House of Commons;" the numerous references to MAY are to pages in the Ninth (1883) edition of his well-known "Parliamentary Practice"; the Rules referred to are those of the Legislative Assembly of Ontario; and the Speaker's Decisions are those of Speakers of the Ontario Assembly collected in this work.

TORONTO, December, 1893.

THE MEMBER'S MANUAL

THE LEGISLATIVE ASSEMBLY OF ONTARIO.

In the Parliament of Canada, on 2nd August, 1866, concurrence was asked in the Fifth of the Confederation Resolutions, when Hon. J. H. Cameron, the representative of the County of Peel, moved, in amendment to the proposition for a Single Chamber in this Province, that "the Legislature of Upper Canada should be composed of two Chambers to be called the Legislative Council and the Legislative Assembly." His motion found a seconder in the Hon. Alexander Morris, soon to be Lieutenant-Governor of Manitoba, and subsequently a prominent member of the Legislative Assembly of Ontario. After a discussion of an interesting if not exciting character, a division was taken, and it was found that but thirteen members favoured a double chamber for Upper Canada, while no less than eighty-six recorded themselves against it. Of the thirteen composing the minority, it is fair to state, nine represented Upper Canadian constituencies. The large majority against the amendment comprised the leading men of the two great parties, who for the time had called a truce and voted as conviction dictated. Conspicuous amongst the supporters of a single chamber were five men destined to take an important part in the deliberations of the first Legislature of Ontario. Hon. John Sandfield Macdonald, Matthew Crooks Cameron, John Carling and Edmund Burke Wood, afterwards members of the first Ontario Cabinet, rose with Archibald McKellar, the coming leader of the first Ontario Opposition, to give their votes against the amendment. It was not a question upon which there was a partizan difference of opinion. A common desire to minimize the necessary cost of a local government evidently influenced the majority of Upper Canadian representatives. That was the

declared intention of George Brown, of Matthew C. Cameron of John S. Macdonald. Said Mr. Brown, during the Confederation Debate: "Undoubtedly the mode in which the local government shall be constructed will very much affect the cost of the whole scheme; but if we adopt (as I earnestly hope we will) simple and inexpensive machinery for local purposes, I am quite satisfied that there will be a reduction to the people of Canada in the amount they now contribute." Said Mr. M. C. Cameron: "If we are really to have a Local Legislature, we want it to be as inexpensive in its character as possible,—we want to construct it, as much as possible, with a view to economy, in order that the public burdens may be lessened to the lowest practical point." And said Hon. J. S. Macdonald, in Feb., 1871, then looking back over three years' experience of the new condition of things: "I am sincerely attached to a single chamber, for it has been proved that it can manage satisfactorily the affairs of two millions of people without a second chamber, consisting of members appointed for life, and who, once elected, do not care for anybody."

Not less hopeful of the new order of things was the House itself when it unanimously addressed Lieutenant-Governor Stisted, in reply to the first Speech from the Throne to the Legislative Assembly of Ontario, and said that for years past it had been the aim and effort of Upper Canada to secure a more direct and unlimited control over her own local affairs than was attainable in legislative alliance with another Province, and that, while sensible of the many advantages which had accrued to both sections of Canada from the Union of 1841, the people of Western Canada had, nevertheless, desired a wider and more elastic governmental system which should afford larger opportunities for their own particular growth and experience. They added that this object had been attained, and that while the provision for the future government of the Province was, in one particular, exceptional, for it conferred upon them the exclusive privilege of framing laws, in relation to matters within their jurisdiction,

unaided and unchecked by the supervisory control of another Chamber, it remained for them to justify, by their wisdom, moderation and forethought, the confidence so freely reposed in them by the Imperial Government.

In every succeeding Legislature the one chamber has proved itself to be even a greater success than was anticipated when it was first proposed. It cheapens the cost of legislation; facilitates the passage of needed laws; removes the delay which, under the double system, checks the completion if not the introduction of measures embodying salutary reforms; is quickly responsive to the touch of public opinion; and gives opportunity for prompt correction of legislative errors should such ever find entrance to the statute book. With a single chamber, Ontario has, in annual sessions of about two months' duration, provided necessary changes in the laws governing two millions of people, possessing large centres of urban population and hundreds of rural municipalities in all stages of growth. She has been able to keep pace with the numerous wants of a territory, enormous in extent, and varying in character from the unbroken wilderness to the cultivated settlement of an older country. She has fostered education, administered justice, protected property, developed enterprise, stimulated agricultural progress, and effected legislation dealing with private interests to an extent which can only be thoroughly appreciated after an inspection of her statute books. These things have been done smoothly, quickly, thoroughly, and with little or no necessity for appeal to the courts against any Act beyond her powers. The members of the Single Chamber, conscious of the fact that their legislation was practically final, and therefore impressed with a full sense of their responsibilities, have deliberately considered every disputable point, and given ample consideration to any measure submitted to them. In short, for twenty-five years the system has been on its trial, and has so justified the prediction of its promoters that it commands the respect and warm support of all classes in the community.

Its success is no party victory. It was the outcome of a general desire for a common-sense reform, and, as has been shown, was the product of the best minds of Upper Canada. The result of their wise co-operation has already made its influences felt beyond Ontario. Of the Provinces entering Confederation, Ontario alone adopted the Single Chamber. To-day the Double Chamber no longer exists in New Brunswick, Manitoba, British Columbia, and the Northwest Territories. And it is safe to predict that, before many years have passed away, each Province of the Dominion will be governed by a Legislative Assembly, and that the Legislative Councils existent now will have been thrown aside as complicated, expensive and needless portions of legislative machinery.

Representation in 1867.

By the British North America Act of 1867, the Province of Ontario was divided into eighty-two Electoral Districts, with a like number of representatives, but the opening of new territory since that date, and the growth of population in various sections, from time to time made necessary an increase in the representation. The Seventh Legislature, meeting on 11th February, 1891, was composed of ninety-one Members, representing eighty-nine Constituencies.

Representation in 1891.

Property qualification unnecessary.

By Chap. 9, Sec. 3, R. S. O. 1887, it is provided that "no qualification in real estate shall be required of a candidate for a seat in the Legislative Assembly," nor is other requirement prescribed as to qualification. There are, however, various classes who are declared ineligible for election as Members of the Legislature of Ontario. Amongst these are Senators, Members of the House of Commons, and persons holding office at the nomination of the Crown. Here again there are exceptions Officers in the Army and Navy and Militia Officers (other than Officers on the Staff of the Militia receiving permanent salaries), Justices of the Peace, Coroners, or Notaries Public are eligible for election. No person who is surety for a Sheriff, Registrar, County Attorney, Clerk or Bailiff of a Division Court, or other Public Officer, shall sit or vote in the Legisla-

Classes ineligible.

Exceptions.

Sureties not eligible.

tive Assembly. He may be elected to that position, but must take and complete such action as may be requisite to relieve him from any thereafter accruing liability in respect of his suretyship, before he can legally occupy a seat in the Chamber. (See subsec. 2, sec. 10, chap. 11, R. S. O. 1887.)

How meeting of Legislature is called.

The Legislative Assembly is called together, for the despatch of business, through a Proclamation from the Lieutenant-Governor, which is published in the *Ontario Gazette*. By a change in the law, made in 42 Vict., it is unnecessary to issue a formal proclamation for the assembling of the Legislature when it is not intended that the meeting shall be for the despatch of business. No fixed rule now exists as to the length of time to elapse between the issue of the proclamation and the meeting of the House, but in practice the interval is always sufficient to enable every Member to be apprised of the fact that a summons has been made. The call must be such that twelve months shall not intervene between the last sitting in one Session and the first sitting in the next. The Clerk communicates by letter with each Member, announcing to him the fact that a meeting of the Legislature has been called.

Twelve months shall not intervene between the last sitting in one session and the first sitting in the next.

Preliminaries in taking seat.

A Member-elect, before taking his seat, makes an affidavit as to certain expenditures incurred in connection with his election, takes the oath of allegiance and signs the roll. (See sec. 15, chap. 11, R. S. O. 1887.)

His Honour the Lieutenant Governor, attended by his suite, proceeds to the Chamber of the Legislative Assembly on the day of the opening of a new Legislature, and ascertaining that a Speaker has not been elected, directs it to be announced that he will not declare the cause for calling a meeting of the Legislature until a choice has been made. He retires, and the appointment of a Speaker is proceeded with. The Clerk, sitting at the head of the Table in the Chamber, receives nominations for the position. If not more than one is made, the election of the nominee is declared. If more than one name is submitted, the first nomination is first put to the vote. As the selection is gener-

Selection of a Speaker.

ally from the ranks of the predominant party, it is seldom that more than one name is offered. In the seven Legislatures which have been convened in Ontario, each Speaker has been called to his position without active opposition.

He returns thanks.

The newly-elected Speaker is conducted to the Chair by his mover and seconder, and, standing on the upper step, in conformity with an ancient custom, briefly expresses his thanks for the honor conferred upon him. The Speaker takes his seat and the Mace is laid upon the table. After congratulatory addresses have been made, the House is adjourned until the following day.

Mr. Speaker accepted.

On the day following the election of Mr. Speaker, His Honour returns to the House, when Mr. Speaker addresses him, informing him of the appointment and claiming the undoubted rights and privileges of the House. His Honour, through a brief formal address delivered by the Provincial Secretary, assures the Assembly that its constitutional privileges will be recognized and then proceeds to open the Session with the reading of the Speech from the Throne. This Speech, prepared in Council, is regarded as an outline of the policy of the Government, and of the most important legislation to be introduced during the Session. Immediately after the delivery of his Speech, the Lieutentant-Governor retires, and the Speaker then takes the Chair and informs the House of the receipt, by the Clerk, of Reports from the Judges, and of other matters, if any, pertaining to the Election, etc.

The Speech from the Throne.

Bill introduced *pro forma*.

A Bill, *pro forma*, is now introduced, and the Speaker announces that, "to prevent mistakes," he has secured a copy of the Speech delivered by His Honour. The Speech is ordered to be taken into consideration on some named future day, and the House adjourns.

A similar routine is gone through at the opening of every succeeding Session of a Parliament, with the exception of the proceedings at the election of a Speaker.

Prorogation.

Ordinarily, when the business of the Session is completed, His Honour proceeds with his suite to

the Chamber of the Assembly and, taking his seat on the Throne, listens to the reading, by the Clerk Assistant, of the Titles of Bills passed during the Session. The Clerk, when the reading of the titles is completed, turns to His Honour, who signifies his assent, and the Clerk then proclaims that "In Her Majesty's name, His Honour the Lieutenant-Governor doth assent to these Bills." Royal assent.

The Supply Bill is not included in the Bills thus assented to, but is presented by Mr. Speaker, in a formal speech, expressive of "unfeigned devotion to Her Majesty's person and Government," when His Honour signifies his acceptance, and the Clerk announces that "His Honour the Lieutenant-Governor doth thank Her Majesty's dutiful and loyal subjects, accept their benevolence, and assent to this Bill in Her Majesty's name." His Honour then reads a Speech usually congratulating Mr. Speaker and Gentlemen of the Legislative Assembly upon the close of their labors, and the House is thereupon prorogued by the Provincial Secretary announcing: "It is His Honour's will and pleasure that this Legislative Assembly be prorogued, and this Legislative Assembly is accordingly prorogued." The Supply Bill. Prorogation.

ETIQUETTE OF HOUSE.

Members uncover and make a bow to Mr. Speaker when entering, leaving, or crossing the floor of the House, and, although permitted to wear a head-covering when seated, uncover when rising to address the Chair or to vote. In case of sickness or bodily infirmity, a member is permitted, by general acquiescence, to retain his seat when addressing the House. (*May, 386*)—(*B. H. of C., Rule 144.*) Obeisance to Chair.

When a Message is received from the Lieutenant-Governor, "signed by his own hand," the members stand uncovered while the Speaker reads it. Message from Lieutenant-Governor.

Upon the Lieutenant-Governor or his representative entering the House, at the Opening or Prorogation of the Legislature, the members remain standing until he requests them to be seated. Entrance of Lieutenant-Governor.

Adjournment. When the House adjourns, the Members are directed by Rule 3 to retain their seats until the Speaker has left the Chair.

Order after a Division. Members retain their seats after the "Yeas" and "Nays" have been taken, and until the result of a Division is announced by the Speaker.

Member speaking and the Chair. When a member is speaking, no other ought to pass between him and the Chair; but, if absolutely compelled to do so, must so carry himself as not to obstruct the view of the one by the other. (*Rule 17.*)

Not to pass between Speaker and Mace. When the Speaker is in the Chair, no member may pass between him and the mace. (*Rule 17.*)

Position of the Mace. The mace is placed upon and across the table when the Speaker is in the Chair, but beneath it when the House is in Committee.

Removal of strangers. At the request of five members, the galleries and floor of House may, at any time during a sitting, be cleared of strangers. (*Rule 7.*)

Who shall speak. If two or more members rise at the same time to speak, the Speaker designates the one who first caught his eye as entitled to then address the House. (*Rule 11.*)

Use of proper names. In debate, no member shall speak of another by his proper name, but designate him by the title of the official position which he may occupy, or the constituency which he represents. (*B. H. of C. Rule 168.*)

"Mr. Chairman." In the British House of Commons, it is customary to address the Chairman of Committee by his proper name, but, in the Legislative Assembly of Ontario, he is addressed as "Mr. Chairman."

Selection of Seats. The Legislative Chamber is furnished with desks and seats. Those on the right of the Speaker—half of the total number—are reserved for the supporters of the Government, while those on his left are filled by the members of the Opposition and such Ministerial followers as cannot find room on what is known as the Government side. The Members of the Government are seated near to the Speaker's right, and the leaders of the Opposition occupy the seats nearest to his left. The selection of seats is

made by members, through the Clerk, before the opening of a new Parliament, but, as a matter of courtesy, members of the preceding Parliament are permitted to retain their former seats, if they desire to do so.

First business of Session.

Although no important business is entered upon at the beginning of a Session, until the Government is formally assured of the confidence of a majority of the House, by the passage of the Address in reply to the Speech from the Throne, it is usual to introduce a Bill, *pro forma*, for the purpose of asserting the right of the House to legislate without direction from the Crown. In the Journal of the B. H. C., 22nd March, 1603, it is ordered, "That the first day of every sitting in every Parliament, some one Bill, and no more, receive a first reading for form sake."

Disrespectful allusions forbidden.

Any member speaking disrespectfully of the Sovereign, a member of the Royal Family, the Governor General, or Lieutenant-Governor, or using offensive words against any other member, will be at once called to order. (*Rule 13.*)

Reading speeches.

While members may make free use of notes during the delivery of a speech, they must not read the speech itself, and will be at once called to order if attempting to do so. (*B. H. of C. Rule 145.*)

Conversation.

During the Session of the House, members should converse in whispers only, and refrain from indulging in any action calculated to interrupt a member in possession of the floor. When the conversation is so loud as to make it at all difficult to follow the debate, the Speaker exerts his authority to restore silence by calling "Order." (*B. H. of C. Rule 175*) (*May 387.*)

"Hear, hear."

The words "Hear, hear," are often used to denote approval, but may be sometimes employed to ironically express dissent, and, if exclaimed with a loud voice, be made markedly offensive to the member who is speaking. Whenever these or similar observations are evidently intended to interfere with the proper course of debate, the Speaker will call to order, and, if the interruption is persisted in, name the offending member.

Introduction of a member.

A member elected after the opening of a Parliament takes the oaths and signs the roll, as do all members, and is introduced to the Speaker, before taking his seat in the Chamber. If a member takes his seat upon a successful Petition, after a general election, introduction is unnecessary. The ceremony of introduction is brief. The new member enters the Chamber at the Bar between two other members, and the three approach the table, making a bow to the Speaker. One of them says: "Mr. Speaker, I have the honour to present to you Mr. ....., member elect for the electoral district of ....., who has taken the oaths and signed the roll, and now claims the right to take his seat." The Speaker then replies: "Let the honourable member take his seat." The new member advances to the Chair, and after shaking hands with the Speaker, takes his seat. (*B. H. of C. Rule 24.*)

Admittance to the Chamber.

Ex-Members of the Legislative Assembly, Senators, Members of the House of Commons, Judges, and other distinguished visitors are admitted to the Floor of the House by tickets obtained from the Speaker. Admission to the Speaker's Gallery is by tickets issued from the office of the Speaker, and to the Ladies' Gallery, of ladies and their escorts, by cards procured from the Sergeant-at-Arms. The doors of the Visitors' Gallery are open to the public generally.

When Mr. Speaker rises.

Whenever Mr. Speaker rises during a debate, any member then speaking or offering to speak, is to sit down, and the House is to be silent so that Mr. Speaker may be heard without interruption. (*B. H. of C. Rule 178.*)

Member called to order.

A member called to order shall sit down, and the point of order shall be stated, when he may explain. (*Rule 12.*)

PETITIONS.

Petitions to the House may be either written or printed, and the signatures of at least three Petitioners must be subscribed on the sheet containing the prayer of the Petition, except in the case of a single Petitioner or a Corporation. A Petition from a Corporation must have affixed thereto or impressed thereon the seal of such corporate body. (*Rule 90.*) Signature to Petition

A Petition is presented by a member in his place, who is answerable that it does not contain impertinent or improper matter. (*Rule 89.*) Presentation.

A Member presenting a Petition will endorse his name thereon, and confine himself to a brief statement of its prayer, and the names of the parties from whom it comes. (*Rule 90.*) Endorsement.

No Petition can be received which prays for any expenditure, money grant, or charge on the Public Revenue. (*Rule 91.*) Must not ask money aid.

A Petition is not read when presented, unless with unanimous consent, but is "read and received" two days after presentation. The Speaker decided 1st April, 1891, that "the practice of the House is that every Petition presented to it shall be at once deposited with the Clerk for examination by him, and if found to be such as, according to the rules and practice of the House, can be received, it shall be brought to the Table, by direction of the Speaker, two days after the presentation, to be read and received. It may then be read at length by the Clerk at the Table, if required, or, it may, with common consent, be read by the Clerk at the time of its presentation, but this cannot be done if any member objects. When a Petition complains of some present personal grievance, requiring an immediate remedy, it may, with common consent, be read." Reading Petition.

The following Form of Petition may be used for a Private Bill or other purpose, the address being Form of petition.

changed where it is for presentation to His Honour the Lieutenant-Governor in Council:

To the Honourable the Legislative Assembly of Ontario, in Parliament Assembled:

The Petition of the undersigned, of the of

HUMBLY SHEWETH:

That (*here state the object desired by the Petition, either in soliciting an Act, or for any other purpose, briefly setting forth the reasons therefor*).

Wherefore your. petitioners humbly pray that your Honourable House may be pleased to pass an Act (*for the purposes above mentioned*, or *to take such other action as may be desired*) And as in duty bound, your petitioners will ever pray.

Signature, } Seal in the case of existing petitioning corporation.

Date,

NOTICE OF MOTION.

Two days' Notice.

Two days' notice of a Motion, Resolution, Address, or proposed Amendment to a Private Bill should be given in writing, to the Clerk, not later than 5 p.m. of any day when the House is in session, so that it may appear in the printed Votes and Proceedings of that date. Thus, a notice given on Monday permits the matter to be proceeded with on Wednesday, if it is then reached in the Orders of the Day. Notice of leave to bring in a Public Bill must precede, by two days, the introduction of the measure. Notice of a Question must be given two days before it is asked. (*See Rule 31.*)

Unanimous consent.

By Rule 32 it is provided that a Motion may be made, by unanimous consent of the House, without previous notice.

Motions on the Notice Paper under discussion at 6 p.m., on Wednesday and Friday, will be first on the paper after 7.30 p.m., when the hour assigned to Private Bills has elapsed. (*See Rule 26.*)

Resuming discussion after 6 p.m.

If any Motion on the Notice Paper is under discussion when the House adjourns, it stands first on the Orders of the following day, next after any other Orders which may, by the Rules and Orders of the House, have special precedence. (*Rule 27.*)

Resuming discussion after adjournment.

Motions to adjourn the House or Debate, and Questions of Privilege, require no Previous Notice. (*Rule 30.*)

No Notice required for certain Motions.

QUESTIONS.

A member of the House may put a Question relating to public affairs to a Minister of the Crown, and to any other member if said Question relates to a Bill, Motion or other public matter connected with the business of the House, in which such member may be concerned. A notice of such Question must be handed to the Clerk before 5 p.m., and will be printed in the Votes and Proceedings. The Question will appear on the Order Paper on the second day after notice has been given. In putting a Question, no argument or opinion is to be offered, nor any debatable facts stated ; and, in answering such Question, a member is not to debate the matter to which it refers. MAY says that Questions should be put in such manner as not to involve opinion, argument or inference, and an answer should be confined to the points contained in the question, with such explanation only as will render the answer intelligible without discussion : but, he adds, a certain latitude is sometimes permitted, by courtesy, to Ministers of the Crown. (*See Rules 29 and 31.*)

What Questions may be put.

Notice.

No argument or opinion to be offered.

Where notice of an irregular question or motion has been given, it is corrected by the Clerk at the table, after conference with the member giving such notice, or it may be wholly omitted by direction of the Speaker. (*May, p. 295, 356.*)

Irregular Question.

ORDER OF PROCEDURE.

Daily Routine.

Rule 19 provides for the ordinary Daily Routine of Business, which follows the reading of Prayers.

Presenting Petitions.

Reading and Receiving Petitions.

Presenting Reports of Standing and Select Committees.

First Readings.

Under the head "Motions," Bills are introduced and receive their first reading.

Orders of the Day.

Third Readings.

Consideration of Amendments to Bills.

The Orders of the Day follow Routine. When Bills have advanced through the necessary stages, Third Readings precede all other Orders. Bills reported from Committees of the Whole, with Amendments, are considered next after Third Readings. Bills reported, after Second Reading, from a Standing or Select Committee, are on the Orders of the day following reception of the Report, for reference to Committee of the Whole, next after Bills reported from that Committee.

Private Members' Days.

Monday, Wednesday and Friday are devoted primarily to the business of members not of the Government although Government Notices of Motion and Government Orders appear, after other business, on the Order Paper for Wednesday and Friday.

Government Days.

Government Business has precedence of all other matters on Tuesday and Thursday, which are known as Government Days. Government Orders are taken up in such rotation as the leader of the Administration may determine on the days on which Government matters have precedence.

Dropped Orders.

Orders of the Day are taken up according to the precedence assigned to each, but, if not taken up when called, are dropped for that day, although set down in the Orders, after the other Orders, for the next Sitting Day.

Order of Business after Routine.

The Order of Business, after Daily Routine, is as follows :

MONDAY.

Third Readings.
Private Bills.
Questions put by Members.
Notices of Motions.
Public Bills and Orders.

TUESDAY.

Third Readings.
Government Notices of Motions.
Government Orders.
Public Bills and Orders.
Questions put by Members.
Other Notices of Motions.
Private Bills.

WEDNESDAY.

(Until the hour of six o'clock p.m.)

Third Readings.
Questions put by Members.
Notices of Motions.
Public Bills and Orders.

(From half-past seven o'clock p.m.)

Private Bills (for the first hour.)
Public Bills and Orders.
Private Bills.
Government Notices of Motions.
Government Orders.

THURSDAY.

Third Readings.
Government Notices of Motions.
Government Orders.
Public Bills and Orders.
Questions put by Members.
Other Notices of Motions.
Private Bills.

FRIDAY.

(Until the hour of six o'clock p.m.)

Third Readings.
Questions put by Members.
Notices of Motions.
Public Bills and Orders.

(From half-past seven o clock p.m.)

Private Bills (for the first hour.)
Public Bills and Orders.
Private Bills
Government Notices of Motions.
Government Orders.

DEBATE.

Interruption of debate.

British Parliamentary authorities set forth that a debate upon a question may be interrupted: (1) by a matter of privilege suddenly arising; (2) by words of heat between members; (3) by a motion for reading an Act of Parliament, an entry in the Journal, or other public documents relative to the question.

No debate after Members are "called in" for a Division.

No member may speak to any question after the same has been *put* by the Speaker, and the *voices* have been given thereon in the affirmative and negative, but may be heard after the voices have been pronounced in the affirmative only. Rule 87 provides that when members have been called in, preparatory to a division, no further debate is to be permitted. (*Rule 147, B. H. of C. May, 341, 342.*)

Explanation permitted.

By indulgence of the House, a member may explain matters of a personal nature, although there be no question before the House, but such matters may not be debated. By Rule 15, he may speak in explanation of a material part of his speech, in which he may have been misconceived, but then not to introduce new matter.

When misunderstood.

When he has been misunderstood or misrepresented by any speaker following him, he has a right to explain, and state: "I did not say so," or "I meant to say so and so," or "What I stated was this," but he cannot at that time reply. No other member has a right to interpose. The most convenient time for explanation is at the conclusion of the speech which has called for it, but a member desiring to explain may rise when the objectionable statement is made, and then make his explanation, if the member in possession of the floor, by temporarily resuming his seat, permits him to do so. If the speaking member declines to give way, the explanation cannot be made until he concludes. (*May, p. 358, 359.*)

To address without motion out of order.

A member is not in order in attempting to address the House when there is no motion before it, unless he is about to conclude with a motion. A personal explanation, made with the permission of the House,

is the only exception, but the indulgence thus given to a particular member will not justify a debate. General argument or observations beyond the fair bounds of explanation ought not to be used. (*May, 354, 358.*)

Charges made elsewhere.

It has been declared that no member has a right to occupy the time of the House in explanation of a charge made against him elsewhere, and which does not refer to any word or act of some member while in the House.

When a reply is allowed.

A member who has proposed a substantive motion has the right to reply. It is not allowed to a member who has moved an Order of the Day, or to the Mover of an Amendment, or of the Previous Question, which is in the nature of an amendment, or of an Instruction to a Committee. (*Rule 15. May, 360.*)

Permission to speak a second time.

A member called to order for attempting to speak a second time to the same question may be allowed to speak on special motion.

Alluding to Previous Debate.

No member is to allude to any debate of the same Session upon a question or bill being then under discussion, nor read from any printed newspaper or book the report of any speech made in Parliament during the current Session, unless by the indulgence of the House for personal explanation, or unless he rises to a Question of Privilege. (*May, 364. B. H. of C. Rule 161.*

Words taken down.

When any member objects to words used in debate, and desires them to be taken down, Mr. Speaker will, if it appears to be the pleasure of the House, order them to be taken down by the Clerk, but every such objection must be taken at the time when such words are used, and not after any other member has spoken and the debate has been continued. (*May, 377, 378.*)

Objectionable words.

Any member having used objectionable words, and not explaining or retracting them, or offering any apologies for their use, to the satisfaction of the House, will be censured or otherwise dealt with as the House may think fit. (*B. H. of C. Rule, 172.*)

Naming a Member.

When a member interrupts the proceedings of the House, and refuses to come to order, he may be

called "by name" by Mr. Speaker, and directed to withdraw. The House will listen to a reasonable apology from him, or may direct the Speaker to reprimand him, the substance of which reprimand will be duly entered upon the Journal. (*B. H. of C. Rule 175.*)

The Member withdraws.

Any member against whom any charge has been made, having been heard in his place, shall withdraw while any such charge is under debate. (*B. H. of C. Rule 178. May, 392.*)

A motion to adjourn equivalent to speaking.

A member who has moved or seconded a motion to adjourn a debate is held to have spoken on the main question, and cannot again speak thereto, nor is he entitled to move an amendment. A member moving the adjournment of a debate, which motion is carried, is permitted to continue his speech when the debate is resumed. (*May, 347.*)

Moving Adjournment of Debate.

A member who has not spoken during a debate may move or second the adjournment of the debate, but having thus already spoken cannot afterwards move or second the adjournment of the House during the same debate. (*May, 301, 362, 394.*)

May speak to point of order or privilege.

A member who has already spoken may rise and speak again upon a point of order or privilege, but may not rise to move an amendment or the adjournment of the debate or of the House, or any similar question, while the main question is still before the House, but may speak to these new questions when proposed by other members. (*May, 361, 362.*)

Relevancy of Debate not insisted on when motion is made for Committee of Supply.

Exceptions.

It is permissible, without moving any amendment, to call the attention of the House to particular subjects, on the question of the Speaker leaving the Chair for the purpose of going into Supply, or Committee of Ways and Means, the rules of relevancy in debate, as well as in amendments, being wholly ignored on these occasions, with the following exceptions: that (1) a member may not discuss any previous or intended votes of the Committee of Supply, or items in the Estimates; (2) nor any resolution to be proposed in the Committee of Ways and Means; (3) nor any other Order of the Day; (4) nor any motion of which notice has been given. (*May, 663.*)

In debate on second reading discussion of clauses inadvisable.

It has been held that, in moving a second reading of a Bill, to go through it clause by clause is to anticipate the work of the Committee to which it will be referred, and that the debate shall be confined to a discussion of the principle of the Bill. For general convenience, a departure from this course is sometimes permissible. (*May, 353, 545. Hansard, 237, 1593.*)

The Question to be read if required.

Rule 14 provides that any member may require the question under discussion to be read at any time of the debate, but not so as to interrupt a member while speaking.

MOTIONS.

Motions must be written and seconded, with certain exceptions.

A motion must be in writing or printed, and seconded, before it can be proposed from the Chair and debated, but motions to adjourn the House or a Debate are not necessarily written; and an Order of the Day may be moved without a seconder. In Committee of the Whole House, a seconder to a motion is unnecessary. (*Rule 33.*)

Motion must conform to notice.

A motion, of which it was necessary to give notice, must be in the precise language in which such notice was given, any amendments thereto being made by the House after it has been moved.

The Speaker will check motions contrary to rule.

If a motion offered is, in the opinion of the Speaker, contrary to the Rules or Privileges of Parliament, it is his duty to apprise the House of the fact, and to quote the Rule or Authority violated or relating thereto, and such motion shall not be proceeded with, unless, by an appeal to the House, the decision of the Speaker is set aside. (*Rule 37.*)

Motions may "stand."

A member, although he has given notice, may desire not to proceed with a motion when it is called in regular order, and it is customary in such case to request that the motion may "stand," which request is usually granted.

Motion cannot be withdrawn without permission of House.

After a motion has been read by the Speaker or Chairman of Committee, it can be debated, amended, adopted, superseded or rejected, but can be with-

drawn only on leave of the House granted without a negative voice. *B. H. of C. Rule 119. May, 299.*)

No motion for appropriation of Public Revenue in order, unless recommended by the Crown.

As no Petition can be received which prays for any expenditure, grant or charge on the Public Revenue, so no motion can be made for any appropriation of any part of the Public Revenue, or creating a tax or impost, that has not been first recommended by Message of the Lieutenant-Governor. (*Rule 91. B. N. A. Act, Sec. 54.*)

No motion renewable upon which judgment has been expressed during current Session.

A motion upon which the judgment of the House has been expressed cannot be renewed during the current session, but a resolution may be rescinded during the Session in which it has been passed. A motion, however, which has not been seconded, or which, by leave of the House, has been withdrawn, may be revived. A motion which has been negatived cannot be afterwards moved, during the same Session, as an amendment. (*May, 328.*)

How a question may be evaded.

A question may be evaded or superseded by moving the adjournment of the House; by motion "that the Orders of the Day be now read;" by moving the Previous Question; or by Amendment. (*May, 300.*)

Motions of adjournment.

The question that the House do now Adjourn may be moved by any member who obtains the floor, at any period when the House is in session, and who has not spoken during a debate then proceeding, but he cannot speak to such motion for more than ten minutes. Such adjournment of the House, during the consideration of any motion, supersedes that motion. An Order of the Day so superseded disappears from the Orders, although it may be revived on formal notice; but, if a Notice of Motion is being discussed, it, although temporarily obstructed, stands for the following day. (*Rule 30, 27.*)

Motion that "Orders of the Day" be now read.

When "Notices of Motion" have precedence, the debate may be interrupted by a motion "that the Orders of the Day be now read." No amendment to this motion is permitted, and, if carried, the Orders must be at once proceeded with, so superseding the motion then under discussion. (*May, 302.*)

AMENDMENTS.

What is an Amendment?

By Rule 134 of the British House of Commons, it is declared that a question having been proposed may be amended (1) by leaving out certain words only; (2) by leaving out certain words in order to insert or add other words; or (3) by inserting or adding words. As it has been well put by an American writer, there are three ways of amending: by addition, elimination and substitution. By addition, when something is inserted; by elimination, when something is stricken out; and by substitution, when something is stricken out and other matter inserted.

Time of moving.

The time for moving an Amendment is after a question has been proposed by the Speaker, and before it has been put. (*May, 317.*)

Must be seconded.

An Amendment proposed in the House, but not seconded, will not be entertained nor entered on the Journal. (*May, 327.*)

Seconder not necessary.

A seconder is not necessary when an Amendment is moved in Committee of the Whole.

Words added cannot be struck out.

An Amendment to add words to the main Question having been affirmed, those words cannot be struck out by any subsequent Amendment. (*May, 320.*)

Words may be added after Amendment.

No Amendment may be proposed to any part of a Question after a later part has been amended, or has been proposed to be amended, unless a proposed Amendment has been, by leave of the House, withdrawn, but words may be added to an amended Motion or Amendment. A Motion to strike out the first part of an Amendment when the amendment has been amended in the later portion, is out of order. (*May 320, 321 B. H. of C. Rule 140.*)

Repetition of Question inadmissible.

No Question or Amendment may be proposed which is the same in substance as any question which, during the current Session, has been resolved in the affirmative or negative. (*May, 328, 331.*)

Substitute for Motion cannot be moved un-

When a Member has proposed a resolution to which an Amendment is moved, he cannot substitute another Motion until the proposed Amendment

til Amendment is withdrawn.

has been withdrawn. A Motion and an Amendment being before the House, the Motion cannot be withdrawn until the Amendment is rejected or abandoned. A proposed Amendment may, by leave of the House, be withdrawn. (*May, 299.*)

Amendment omitting matter of recital.

An Amendment is not out of order because it is substantially the same as the original Motion, if it proposes to omit considerable matter of recital contained in the original Motion.

No priority because of Notice.

Notice does not give priority in moving amendments. (*May, 317.*)

Further Amendment permitted.

When an Amendment is carried, the question is put on the amended Motion, which is then open to the proposal of further amendments, but such proposed amendments must be to the part of the original motion subsequent to that already amended.

Must be relevant to Motion.

When there is a total absence of congruity between a proposed Amendment and the main Motion, so that the Amendment is a new proposition upon a different subject, it should be ruled out of order for irrelevancy. Except on Motions for going into Committee of Supply, or of Ways and Means, an Amendment ought to be essentially analogous to the main question, and be so framed that, if agreed to, the question or Amendment as amended, would be intelligible and consistent with itself. (*May, 325, 326.*)

Cannot leave out all the words of an Amendment.

An Amendment to a proposed Amendment cannot be moved if it seeks to leave out all the words of such first proposed Amendment; but in such case the first Amendment must be negatived before the second can be offered. The difficulty is avoided by moving an amendment to the Amendment which leaves out all the words of the Amendment after the first word "That." (*May, 325.*)

When amendment to Amendment is not in order.

An amendment to a proposed Amendment to a Motion for the House to go into Committee of Supply is not in order. (*See Speaker's Decisions.*)

An Amendment to a Motion for going into Committee of Supply does not require notice, and a discussion upon it is permitted to take wide latitude. In the British House of Commons, however, as in that of the Dominion, notice of intended amendments is generally given.

Notice of Amendment to a Public Bill unnecessary.

An Amendment to a Public Bill or question may be moved without previous notice, but two days' notice must be given of a proposed Amendment to a Private Bill. (*Rule 72.*)

Resolutions may be amended.

Every resolution reported from a Committee of the Whole House may be amended, disagreed to, postponed or recommitted to the Committee. A relevant Amendment may be moved on the Second Reading. (*May, 681, 682.*)

Cannot increase proposed burthen.

If it is proposed to amend a resolution from Committee of Supply, the Amendment can only effect a diminution of the proposed burthen and not an increase. (*May, 683.*)

Different appropriation of funds out of order.

An Amendment (not being for an Address) proposing a different appropriation of funds to that recommended by the Lieutenant-Governor is out of order. (*See Speaker's Decisions.*)

Amendment may leave out all but the first word "That."

Amendments may be moved to the question "That Mr. Speaker do now leave the Chair," by leaving out all the words after the word "That," and substituting other words; and other Amendments often properly assume that form.

Member may speak to Amendment.

Although a Member who has spoken to the main Motion cannot, at an after period, move an Amendment thereto, he may speak on an Amendment proposed by another. (*May, 362.*)

Cannot speak on Motion and afterwards move an Amendment.

A Member who has already spoken, being desirous of proposing an Amendment, must place that Amendment in the hands of some other Member. As a Member who moves an Amendment cannot speak again, so a Member who speaks in seconding an Amendment is equally debarred from speaking again upon the original question, after the Amendment has been withdrawn or otherwise disposed of. In both cases, the Members have already spoken while the question was before the House, and before the Amendment had been proposed from the Chair, but if another Amendment is moved by some other Member, they can speak to it. (*May, 362.*)

Cannot speak to Motion after proposing an Amendment.

Mover of Amendment has no right to reply.

A Member who has moved an Amendment does not, as in the case of a substantive Motion, thereby secure a right to reply. (*May, 360.*)

Three months' hoist.

An amendment to the proposed second or third reading of a Bill, to the effect that it shall be read at some future date, say three or six months, is always in order.

American practice.

The leading United States authority, *Jefferson's Manual*, although not quotable as an authority for procedure in a Canadian Legislature, says that when a question contains several points, a division of such may be called for, as in British practice; but a question to strike out or insert shall not be divided. Rejection of a Motion to strike out and insert shall not prevent a Motion simply to strike out. Nor shall the rejection of a Motion to strike out prevent a Motion to strike out and insert. In a Motion to strike out and insert, the part to be stricken out and the part to be inserted may each be regarded as a question.

ACCOUNTS AND PAPERS.

Accounts and Papers.

Returns or Papers relating to a public matter, over which the House or Crown has jurisdiction, may be moved for by any member, either by Order or Address. Ordinary Accounts and Papers required by members are brought down upon an Order of the House, after the adoption of a motion therefor, of which two days' notice has been given. Of this character are returns relating to public departments, or bodies incorporated by the Province of Ontario, and of all municipal, educational, and other institutions existing through and regulated by Ontario Statutes. They may be obtained from all public officers, but the information sought shall be of a public and official, and not private or confidential description. An Address to the Crown is necessary to procure Returns relating to matters connected with the exercise of the Royal Prerogative, Orders in Council, Correspondence between the Dominion and Provincial Governments, affairs of any other Province, subjects over which the Dominion or Imperial authorities have control, and other things not within the immediate jurisdiction of the Legislature of Ontario.

Order of the House.

Address to the Crown.

DIVISIONS.

When a debate upon any Question is supposed to be closed, the Speaker asks: "Shall the Question be now put?" If no member desires to address the House, and there is no request that the members shall be called in, the Speaker proceeds to put the Question by rising and reading the motion and any proposed amendments thereto in his hands, and states that "the question will be upon the amendment to the amendment," if such there be. If the amendment to the amendment prevails, he puts the amendment as amended, and this being carried, he submits the original motion as amended. He says: "So many as are in favor of the motion (or amendment, as the case may be) will say, 'Aye.'" The "Ayes" announce themselves by responding "Aye." He will then say: "So many as are of a contrary opinion will say, 'No.'" The "Noes" having declared themselves, he will express his belief that "the 'Ayes' (or 'Noes') have it." If his opinion is not challenged, he will declare the motion carried or lost. But any five members may demand the "Yeas" and "Nays," when, if the members have not already been called in, the division bells are rung, and, after a necessary interval, the Sergeant-at-Arms enters at the bar, makes a bow to the Speaker, and so informs him that the members are "in." The Speaker, having called order, again rises and reads the motion and proposed amendments, if the members had not been called in when the motion was first put, and says: "The 'Yeas' will be pleased to rise,"—every question being first put in the affirmative. The Clerk Assistant at the table calls the names of the "Yeas" in succession, and the Clerk marks on the Division List the name of each member voting, such list having upon it, in alphabetical order, the name of every member, under the title "Yeas," and a similar arrangement of names under the title "Nays." The members resume their seats as their names are called. The "Nays" are recorded in similar manner, and the

Putting the Question.

Ayes and Noes.

Yeas and Nays.

Clerk, after counting the names on both sides of the list, announces the result of the division. If any errors have been committed in the record of the vote they are now corrected. A member is excused from voting if "paired" with an absent member, or for a reason which meets with the approval of the House, but must vote "Yea" or "Nay" if the House insists.

Excused if "paired."

Result. The Speaker announces that the motion has been lost or carried as the result of the division indicates.

Pecuniary interest. When a member has a direct pecuniary interest in the matter before the House, his vote is disallowed, provided that such interest is of private and not public character. (*Rule 16. Decision of Speaker.*)

Must be in House when the question put. If a member enters the Chamber after the question is put, or if not within the Chamber at the time it is put, and which question he cannot, therefore, have heard, his vote, if recorded, is struck off after the list of Yeas and Nays has been read by the Clerk.

No record of divisions on adjournment. In divisions on the question of the adjournment of the House, or of the Debate, the numbers only, and not the names of members voting, shall be entered upon the Journal.

Members seated until result of Division is announced After a division is taken, members must remain seated until the result thereof is determined.

A member not present in the Chamber during a vote upon an amendment, and entering before the main motion is put, can vote on such motion. (*May, 402.*)

COMMITTEES.

Definition of a Committee. A Committee, with the exception of a Committee of the Whole House, consists of a portion of the Members, selected by the House, for the purpose of considering more fully than the larger body is able to do, any matter referred to it; and, generally, it is empowered, by the order of the Legislative Assembly, to call for persons and papers, and to take evidence upon oath or otherwise, as may be directed.

Power to compel attendance of witnesses.

Chap. 11, Sec. 32, R. S. O. 1887, provides that the Legislative Assembly may at all times command and compel the attendance before the Assembly, or before any Committee thereof, of such persons, and the production of such papers and things as the Assembly or Committee may deem necessary for any of its proceedings or deliberations. And Sec. 33 sets forth that the Speaker may issue his warrant or subpœna, directed to the persons named in the Order of the Legislative Assembly, requiring their attendance before the Legislative Assembly or a Committee thereof, and the production of such papers and things as may be ordered.

Oaths of witnesses.

Sec. 60 provides that any Standing or Select Committee may examine witnesses upon oath administered by the Chairman or any member of the Committee, such Oath being as follows:

Form of oath.

"The evidence you shall give to this Committee touching the subject of the present inquiry shall be the truth, the whole truth, and nothing but the truth: So help you God."

Powers of Assembly to punish.

The Assembly has power, by sec. 48, to inquire into and punish, as breaches of privilege or as contempt of Court, any person guilty of;

Tampering with witnesses.

Tampering with any witness in regard to evidence to be given by him before said Assembly or any Committee thereof;

False evidence.

Giving false evidence or prevaricating or otherwise misbehaving in giving or refusing to give evidence, or produce papers, before the said Assembly or any Committee thereof;

Disobedience to subpœna.

Disobedience to subpœnas or warrants, issued under the authority of this Act, to compel the attendance of witnesses before the said Assembly or any of its Committees;

Presenting false documents.

Presenting to said Assembly or to any Committee thereof, a forged or false document with intent to deceive the said Assembly or Committee; and

Falsifying records, etc.

Forging, falsifying or unlawfully altering any of the records of the said Assembly, or of any Committee thereof, or any document or petition presented or filed or intended to be presented or filed before said Assembly or Committee; or the setting

or subscribing by any person, of the name of another person to any such document or petition with intent to deceive.

Before whom certain affidavits may be made.

Sec. 61 provides that where witnesses are not required to be orally examined before a committee, any oath, affirmation, declaration or affidavit in writing, which is required in respect to any matter before the Committee, may be taken before the Clerk of the House, the Clerk of the Committee, or a Commissioner for taking affidavits in the High Court.

Payment of witnesses.

The Clerk of the House, by Rule 86, is authorized to pay out of the Contingent Fund to Witnesses summoned to attend before any Select Committee of the House except in the case of Private Bills, a reasonable sum *per diem*, to be determined by the Speaker, during their attendance, and a reasonable allowance for travelling expenses, upon a certificate or order of the Chairman of the Committee before which such witnesses have been summoned; but no witnesses shall be so paid unless a certificate shall first have been filed with the Chairman of such Committee, by some member thereof, stating that the evidence to be obtained from such witness is, in his opinion, material and important; and no such payment shall be made in any case without the authority of the Speaker, which shall be signified by the endorsement of the Speaker upon the aforesaid certificate; and when any witness shall have been in attendance during three days, if his presence is still further required, recourse shall again be had to the Chairman of the Committee, and so on, every three days; and no witness residing at the Seat of Government shall be paid for his attendance.

Certificate that evidence is material and important.

Certificate to be renewed.

Certain Witnesses not to be paid.

Committee of the Whole.

A Committee of the Whole consists of the whole of the Members of the House, who sit in the House itself, and is under the control of a Chairman, nominated each Session by the Speaker, or by the House, if it so desires, and who, while presiding over the Committee, exercises the general powers of the Speaker.

The Chairman occupies the chair appropriated to the Clerk while sitting at the Table.

Select Committees.

Special or Select Committees are appointed by the House, and to them is directly submitted the consideration of some distinct question. By Rule 83, no Select Committee may, without leave of the House, consist of more than fifteen Members, and the House may select the names to form the Committee, unless objected to by five Members, when each Member of the House names one, and those who have most voices, with the mover, shall form the Committee.

Reference to proceedings.

Reference in the House to the proceedings of a Committee before it has reported, are out of order. (*May, 442, 569.*)

Standing Sessional Committees.

Standing Sessional Committees are appointed, on the recommendation of a Select Committee, in the early part of each Session of the Legislature, and to them are referred matters coming specially within their purview.

Titles of Sessional Committees.

The Sessional Committees of the Ontario Legislative Assembly are known as the Committee on Railways, Committee on Private Bills, Committee on Standing Orders, Committee on Privileges and Elections, Municipal Committee, Committee on Printing, and Committee on Public Accounts. A Special Standing Committee is appointed each Session for the purpose of assisting Mr. Speaker in the management of the Library, and another for the consideration of Bills appertaining to Legal Matters.

When Committee of Whole is necessary.

The House resolves itself into Committee of the Whole, upon motion to that effect, for the purpose of considering the items of Supply, laid before the House in the form of Estimates, and accompanied by a Message from His Honour the Lieutenant-Governor. The House resolves itself into a Committee of the Whole for the consideration of Ways and Means. All resolutions authorizing the expenditure of public revenues or moneys, or the imposition, reduction or abolition of a tax must originate and be discussed in Committee of the Whole The various clauses of all Bills, Public or Private, after the second reading, and even after having been referred to a Special Committee, are subjected to the criticism of the Committee of the Whole. And any question, if

referred thereto by the House, may be debated in such Committee.

Rules of Debate in Committee.

The rules of debate, as to a right of reply by a member after having already addressed the House, are suspended in any Committee, and a member is at liberty to speak without restriction if he observes the usual courtesies of discussion, and makes his remarks relevant to the matter under consideration. (*Rule 79, Sec. 2.*)

Questions of order in Committee.

If a question of order arises in Committee of the Whole, it may be decided by the Chairman, or, on motion, referred to Mr. Speaker; and, for this purpose, the Chairman is instructed to report progress and ask leave to sit again upon that or some other day. (*Rule 80.*)

Seconder unnecessary.

It is an established rule that a motion in Committee need not be seconded. (*May, 433.*)

Previous question inadmissible.

A motion of "the previous question" is not admitted in Committee of the Whole. (*May, 304, 433.*)

Cannot adjourn.

A Committee of the Whole has no power either to adjourn its own sittings, or to adjourn a debate to a future sitting, but it may rise, report progress, and ask leave to sit again; but if a motion is carried "That the chairman do now leave the chair," or "That the Committee do now rise," without reporting, the question before the Committee is superseded. (*May, 439.*)

A motion by Chairman to leaveChair supersedes business of Committee.

A motion, "That the Chairman do now leave the Chair," when carried, supersedes the business of the Committee, as the adjournment of the House, during the consideration of any matter, supersedes the question; and when the Speaker resumes the chair no report is made from the Committee. But no such motion can be interposed while any member is speaking. (*May, 440*)

Votes in Committee.

Votes taken in Committee are by "count," the "Ayes" and "Noes" standing up for the purpose, but no record of the names of those voting is made.

Reception of Report.

Each Special or Standing Committee presents its report through its Chairman, who moves its reception and the concurrence of the House therein if such Report makes any recommendations. If the reception

of a Report is opposed, it must stand over two days before it again comes up for consideration. A Report may be sent back to its Committee for reconsideration in whole or in part. (*See Speaker's Decisions.*)

Quorum.

Rule 84 provides that of the number of Members appointed to compose a Committee, a majority of the same shall be a Quorum, unless the House has otherwise ordered.

Disposition of existing charge.

By long established usage in the British House of Commons, it has been determined that, where no new burden is imposed, the disposition of an existing charge is not required to originate in Committee.

Member excused from attendance.

On the 23rd February, 1872, Hon. T. D. Pardee was excused from attending a Select Committee in consequence of illness, and another member was added to the Committee.

Exceptional permission to sit during sitting of the House.

Although, by the Rules of the House, no Committee is permitted to sit while the House is in session, on 4th December, 1874, a Select Committee to which had been referred certain charges against one member by another was, by order of the House, permitted, with the unanimous consent of the Committee, to sit and continue its sittings during the sittings of the House; and on 17th December, 1874, the House ordered that any Committee of this House may, for the rest of this Session, sit during the sittings of the House.

Committee ordered to report evidence.

On 8th December, 1869, the House ordered the Standing Committe on Railways to report evidence taken before it, which had moved the Committee to report the Preamble of a Bill not proven. On 9th December the Committee reported that it could not transmit the evidence, inasmuch as the promoters and opponents of the Bill, together with the witnesses for each, respectively, had been heard *viva voce*, and no record of their statements had been kept by the Committee.

Sessional order.

On 21st March, 1884, it was *Resolved*, That it be a Sessional Order of this House that there be added to the Standing Committees of the House a Committee to be known as a Municipal Committee.

PUBLIC BILLS.

What is a Bill.

An Act of Parliament is the outcome of a Bill, written or printed, introduced by the courtesy and consent of the House, and carried through its various stages in compliance with its rules and orders. It is subject to change at every step of its progress after its introduction, and seldom reaches its final passage without more or less modification of its details, but no alteration can be made in it without the authority of a Committee or of the House.

Bills: Public and Private.

Bills may be divided into two classes: Public and Private. Those which have a wide and general operation and concern the whole community, or a large portion of it, such as Municipal Law, Drainage Law, School Law, etc., are known as Public Bills. Those seeking an enactment calculated to advance the interest of a particular person or association of persons, or for a distinctly local purpose, or having a special private object to serve, are designated Private Bills.

First Reading.

So that publicity may be given to intended legislation, a member desiring to bring in a Public Bill will hand to the Clerk of the House, before 5 p.m. upon any day of the Session, a written notice of his intention to ask leave for its introduction, which notice will appear in the Votes and Proceedings of that day. After two days' notice, and when Mr. Speaker calls for "Motions," the member will, by written motion, ask that such leave be given, and that the Bill be now read a First time. No Bill, it must be observed, can be introduced in blank. (*Rule 31.*)

Unusual to oppose First Readings.

The First Reading of a Bill is usually acceded to as a matter of courtesy without debate, although it is within the powers of the House to refuse leave. It is not unusual for the mover, upon the first reading of a Bill of more than ordinary public importance, to explain its principal provisions, but this course is confined almost altogether to Government measures. If the First Reading is in pursuance of an Order of the House, it is made without amendment or debate.

The member introducing a Bill indorses it with his name, and when read the Clerk certifies upon it the date of its first reading, and sends it to the Law Clerk for revision before it is forwarded to the Printer. Name of mover and date indorsed.

In reading a Bill, the Clerk simply pronounces the title and declares it to be the First, Second or Third Reading, as the case may be. Reading Title.

The Second Reading, which practically determines whether the House approves of the principle of the Bill, is not made until the measure has been printed and distributed and marked *Printed* on the Orders of the Day. (*Rule 43.*) Second Reading.

A Public Bill introduced by a private member,— one not of the Cabinet—is generally referred, after its second reading, to a Special or Standing Committee, while Government measures are nearly always placed upon the Orders to be discussed in a Committee of the Whole House. Reference to Committee.

A Bill, after it has been reported by the Special or Standing Committee to which it has been referred, is again placed on the Orders for reference to a Committee of the Whole, where it is considered clause by clause, the Preamble being last taken up. It is then reported to the House, and, if with amendments, *Reprinted* before it is further proceeded with, this being the course pursued with respect to every Bill in which important amendments are made at any stage. (*Rule 44.*) After Report.

A Bill reported by Committee of the Whole is forwarded to the Law Clerk, who carefully examines it, and initials it as proof that it has been amended as directed. It is in order, by direction of the House, for a Third Reading, and marked *Reprinted* when returned from the Printer. At this stage, the Order for the Third Reading, when called, may be discharged, and the Bill referred back to a Committee of the Whole for further amendment; but if any changes of a merely clerical character are required at the Third Reading, they are usually made at the Clerk's table while Mr. Speaker is in the chair. Third Reading.

The Bill having been read a third time, it is moved "That the Bill do now pass and be intituled Passing and Title.

as in the motion." An opportunity for amendment of the title is thus given, and often availed of, but no further amendments are attempted at this final stage.

Bill forwarded to Law Clerk

The Clerk endorses upon the Bill the fact and time of its Third Reading, and forwards the document to the Law Clerk, who is responsible for the correctness of Bills if they are amended. (*Rules 46, 50.*)

Royal Assent.

After a Bill has been passed, it is carefully reprinted, and a copy thereof is sent to His Honour the Lieutenant-Governor, who signs it upon its face and forwards it to the Clerk of the Crown in Chancery, to be held by him until the Royal Assent is reached. At the Prorogation, or more early date if it is deemed necessary, His Honour proceeds to the House and the Royal Assent is given.

Procedure in Committee.

In considering a Bill in Committee of the Whole, the Chairman reads the number of each clause in succession, together with the short marginal notes which explain its object. (*May, 561.*)

If no amendment.

If no amendment is offered to any part of a clause, the Chairman at once puts the question, "That this clause stand part of the Bill." If there is no opposition, he declares the clause carried, places his initials on its margin and proceeds to the next. (*May, 561.*)

If amendment offered.

If an amendment is offered, he states the line in which it is proposed that the alteration shall be made, and puts the question in the ordinary form. (*May, 561.*)

When amendments should be offered.

MAY says that members who are desirous of offering amendments in Committee should watch carefully the progress of the Bill, and propose them at the proper time; for if the Committee has passed on to another clause, or even amended a later line or words in the same clause, amendments cannot, without general consent, be then made in an earlier part of the Bill. (*May, 561.*)

Putting an amended clause.

When a clause has been amended, the question put from the Chair is, "That this clause, as amended, stand part of the Bill;" and no other amendment can be proposed to a clause after this question has been put from the Chair. (*May, 562.*)

New clauses are moved immediately after the original clauses of a Bill are disposed of. (*May, 565.*) New clauses.

No previous notice need be given of a proposed amendment of a Public Bill. Notice unnecessary.

A Bill may be recommitted as often as the House thinks fit without limitation with respect to particular clauses, or for the insertion of some particular or additional provisions. (*May, 576.*) Bill may be recommitted.

When a Bill has been passed through Committee, and is ready for report, the Chairman attaches thereto his signature in full. (*Rule, 71.*) Signature of Chairman.

If a Bill is rejected, another of the same substance cannot be brought in during the same Session. A rejected Bill cannot be revived.

MAY declares that no amendment can be moved on the second reading of a Bill by way of addition to the question. *See decision of Mr. Speaker, 25th May, 1893.* No addition to motion for second reading.

The clauses of a Public Bill, involving a charge upon the people, must be initiated in a Committee of the Whole, by the adoption of resolutions, previously recommended by Message, in the Session in which such Bill is proposed. (*B. N. A. Act, sec. 54.*) Clauses initiated in Committee of Whole.

In Committee, amendments may be made in every part of a Bill, whether in the preamble, the clauses or the schedules; clauses may be omitted and new clauses and schedules added. (*May, 565.*) Amendments to any part of a Bill admissible.

An amendment or new clause cannot be brought up in Committee, if substantially the same as one already negatived by the Committee. (*May, 565.*) Amendment already rejected.

An amendment must be consistent and coherent with the context of a Bill. (*May, 565.*) Must be consistent.

GREY, one of the recognized Parliamentary authorities in England, in speaking of proposed amendments at the third reading of a Bill, says: "It is with great and almost invincible reluctance that amendments are admitted at this reading, which occasion erasures or interlineations." The Canadian and British practice admit such amendments, and a decision of Mr. Speaker, 15th December, 1877, says in effect that an amendment which declares some principle adverse to the measure, or is otherwise opposed to its progress, may be moved to the Third Reading of a Bill; while another decision Amendments at Third Reading.

declares that no amendment to the motion for a second or third reading can be moved "by way of mere addition to the question."

Bill reinstated on Orders of Day.

On 10th February, 1871, it was ordered that Bill (No. 51) to amend the Assessment Act, which had been discharged from the Orders of the Day on Monday last, be reinstated upon the Orders of the Day of Friday next, and do stand thereon for a second reading.

Passing with unusual speed.

By unanimous consent, Bills have been occasionally passed with unusual speed, and instances of this, in addition to the annual Supply Bill, may be found at following dates: No. 111, 22nd March, 1884; No. 138, 24th March, 1884; No. 29, 24th March, 1884; No. 176, 27th March, 1885; No. 170, 21st April, 1887; 21st March, 1889; 3rd April, 1890; No. 178, 9th April, 1892; No. 170, 11th April, 1892; No. 179, 11th April, 1892; No 180, 12th April, 1892; No. 191, 195, 25th May, 190, 26th May, 1893.

Royal Assent Refused.

On 30th March, 1885, His Honour the Lieutenant-Governor, being present to give Royal Assent to various Bills, the Title to a Bill entitled "An Act to correct certain clerical errors in the Consolidated Jurors' Act of 1883," was read, and the Clerk said; "His Honour the Lieutenant-Governor doth withhold Her Majesty's assent to this Bill, the purpose thereof having been provided for by the Act for further improving the administration of the law, which Act His Honour has assented to in Her Majesty's name.

On 23rd March, 1888, the title of "An Act to incorporate the Port Arthur Water, Light and Power Company" was read, when the Clerk announced that the Lieutenant-Governor, by advice of His Executive Council, withholds the Royal Assent, on the grounds that "through inadvertence the Bill gives to the Company thereby proposed to be incorporated, important powers not mentioned in the public notices of the intention to apply for the Act, which powers may seriously affect, and it is asserted do seriously affect the rights of persons who, before the passing of the Bill, had no notice that such powers were to be applied for, and it is contrary to

the intention of the Legislative Assembly in pass ing the Bill that the same should give such powers without the persons interested in opposing the same having an opportunity of doing so agreeably to the practice of the Legislative Assembly in that behalf."

On 29th March, 1873, the titles of two Bills intituled "An Act to Incorporate the Loyal Orange Association of Western Ontario and Eastern Ontario" were read, when the Clerk of the House, by command of the Lieutenant-Governor, said: "His Honour the Lieutenant-Governor doth reserve these Bills for the signification of the pleasure of His Excellency the Governor General." Bills reserved.

BILLS DISALLOWED.

The following Acts of the Legislature of Ontario have been disallowed by the Government of the Dominion of Canada since 1st July, 1867:

An Act to define the Privileges, Immunities and Powers of the Legislative Assembly, and to give summary protection to persons employed in the publication of Sessional Papers. Passed 19th December, 1868. Disallowed 29th November, 1869. Powers of Legislative Assembly.

An Act for granting to Her Majesty certain sums of money required for defraying the expenses of civil government for the year 1869, for making good certain sums expended for the Public Service in 1868, and for other purposes. Passed 23rd January, 1869. Disallowed 20th January, 1870. Supply.

An Act to amend the law respecting escheats and forfeitures. Passed 24th March, 1874. Disallowed 1st April, 1875. Escheats and Forfeitures.

An Act respecting the administration of justice in the northerly and westerly parts of Ontario. Passed 11th March, 1879. Disallowed 12th February, 1880. Administration of Justice.

An Act for protecting the public interest in rivers, streams and creeks. Passed 4th March, 1881. Disallowed 19th March, 1881. Rivers, streams and creeks.

An Act for protecting the public interest in rivers, streams and creeks. Passed 10th March, 1882. Disallowed 20th September, 1882. Rivers, streams and creeks.

Rivers, streams and creeks.

An Act for protecting the public interest in rivers, streams and creeks. Passed 1st February, 1883. Disallowed 16th March, 1883.

License Duties.

An Act respecting License Duties. Passed 26th March, 1884. Disallowed 30th April, 1884.

PRIVATE BILLS.

What is a Private Bill.

MAY says that "every Bill for the particular interest of any person or persons is treated in Parliament as a Private Bill, whether it be for the interest of an individual, or public company, or corporation, or parish, or city, or county, or other locality." He adds that a Private Act is an exception from the general law; and powers are sought by its promoters which cannot be otherwise exercised, and which no other authority is able to confer. CLIFFORD in his "History of Private Bill Legislation," says that "by 'Private Bills' are commonly understood all Bills affecting the interests of individuals or particular localities, and which are not of a general public character."

Powers of a Provincial Legislature as to Private Bills.

"The British North America Act, 1867," declares by Section 92, that in each Province of the Confederation, the Legislature may exclusively make laws in relation, amongst others, to the following matters:

Sub-sec. 11. The Incorporation of Companies with Provincial objects.

Sub-sec. 16. Generally all matters of a merely local or private nature in the Province;

And Local Works and undertakings other than such as seek to connect the Province with others of the Provinces, or extending beyond the limits of the Province, and such works as are declared by the Parliament of Canada to be for the general advantage of Canada, or for advantage of two or more of the Provinces.

Private and Railway Bills.

The Legislature of Ontario divides the Private Bills submitted to it into two classes, ordinary Private Bills and Railway Bills, referring each class to its own Standing Committee.

Every Private Bill is based on a petition, which should state, in general terms, the objects or privileges sought to be obtained by the parties soliciting the Bill, and be signed by them, and not by the Solicitor acting in their behalf. At least three signatures should be on the same sheet on which the petition is written or printed, except in the case of a single Petitioner, or a Corporation. If the petition is from a corporation, the seal of such body should be attached to it, and the signatures of the President or Secretary, or head and Clerk of a Council. (*Rule 90.*) Petitions for Private Bills.

Every petition for a Private Bill must be in duplicate, one copy to be presented to the House by the Member in charge of the Bill, and the other to be addressed to His Honour the Lieutenant-Governor, and forwarded to him through the Provincial Secretary. Petitions in duplicate.

Petitions against a Private Bill, as well as those in its favor, stand referred without motion to the Committee thereon. (*Rule 61.*) Petitions against Bill.

No petition for a Private Bill is received by the House after the first ten days of each Session, unless the time for the reception of such petition has been extended, on the recommendation of two Standing Committees. (*Rule 51.*) Within first ten days of Session.

No Private Bill is presented to the House after the first seventeen days of each Session, nor is the Report of a Standing or Select Committee upon a Private Bill received after the first thirty days of each Session, unless the time for such presentation and Report has been extended. (*Rule 51.*) Private Bills presented within seventeen days. Reported within first thirty days.

After a petition for a Private Bill has been received and read such Petition is, without further action of the House, sent to the Committee on Standing Orders, to report whether the Rules with regard to Notice, have been observed, and, if not, to recommend to the House the course to be taken in consequence of such insufficiency of Notice, and omission to deposit Plans, Books of Reference, etc. (*Rule 56*) Sent to Committee on Standing Orders.

All applicants for Private Bills shall insert a Notice, for six weeks before the consideration of Six weeks' Notice.

the petition, in the *Ontario Gazette*, and for the same period in at least one newspaper published in the locality to be affected, and if no such newspaper is therein published, then in that published nearest thereto, and send copies of such Notice to the Clerk of the House, to be filed in the Room of the Standing Orders Committee. (*Rule 53.*)

Railway Bills.

Private Bills referring to Railways running wholly within the Province of Ontario, and not forming part of a road over which the Dominion Parliament exercises control, are referred for consideration to the Railway Committee. (*Rule 55.*)

Notice respecting Railway Bill.

In case of a Railway Bill, affecting several municipalities, the Notices of intention to apply must be published in one newspaper in each municipality, if there is such a newspaper, and, if not, in the nearest municipality thereto. (*Rule 53.*)

Copy of Bill and $100 to be sent to Clerk.

Within two weeks of the first appearance of such Notice in the *Ontario Gazette*, a copy of the proposed Bill, and the sum of one hundred dollars, for purpose of defraying the cost of printing and the expenses attendant upon the consideration of the Bill, shall be forwarded to the Clerk of the House, and it will be the duty of that officer to get the Bill printed forthwith after the receipt of said sum. (*Rule 53.*)

Certain information as to tolls.

Any person or persons asking for power to erect a Toll Bridge shall, upon giving the Notice, under Rule 53, also give Notice of the rates of tolls which they intend to ask, and supply certain other information required under Rule 54.

Maps and Plans, etc., to be deposited with Clerk.

Before a Petition for a Bill giving powers to construct a Railway, Tramway, or Canal, is received by the House, the applicants shall deposit with the Clerk a Map or Plan, of not less than half an inch to a mile, of the proposed work, and show the lines of existing or authorized works in the same locality; a Book of Reference giving the names of municipalities in which the works are to be constructed; the population and the ratable value of property therein; a general description of the nature and probable cost of the work; an exhibit of capital proposed to be raised; and an estimate of the probable

revenues and annual cost of the undertaking. (*Rule 55.*)

First Reading.

When the Standing Orders Committee reports favorably upon a Petition, leave for the introduction and First Reading of the Bill prayed for may be moved, and it then stands referred to the proper Standing Committee, unless it is an Estate Bill. (*Rule 61.*)

Estate Bills.

Sec. 59, Chap. 11, R. S. O. 1887, provides that the Lieutenant-Governor in Council may issue commissions to the Judges of the Supreme Court empowering them, or any two of them, to report to the Legislative Assembly in respect to Estate Bills or Petitions for Estate Bills which may be submitted to the Assembly.

What is an Estate Bill.

An Estate Bill is a Private Bill and is said to be one that affects some private fund or estate, vesting it or otherwise authorizing its disposition in a particular manner. For example: If a Bill is intended to modify a trust, or to declare the meaning of ambiguous expressions in a grant or conveyance, or to render effective provisions or conditions contained therein which, otherwise, could not be carried out by the ordinary legal tribunals, or without unreasonable expense, such a Bill would be considered an Estate Bill. The preamble of an Estate Bill must fully recite the facts upon which legislation is prayed, and the provisions of the Bill must in general be assented to by all parties concerned, and protect the just rights of all parties affected thereby.

Report of Commissioners on Estate Bills.

Every Estate Bill, when read a first time, is referred to the Commissioners of Estate Bills for their report, and any two of them may give their written opinion whether, presuming the allegations of the preamble to be proved to the satisfaction of the House, it is reasonable that the Bill do pass into law. Their report is read by the Clerk at the table, and, if it is favorable, the Bill goes at once to the Committee on Private Bills for further consideration. If the report of the Estate Commissioners is adverse, such Bill is not further considered. (*Rule 62.*)

Five days' notice necessary before consideration by Committee.

No Private Bill is considered by a Committee thereon until after it has been printed and distributed and five days' clear notice of the sitting of such Committee has been exposed in the lobby (*Rule 64.*)

Promoters and opponents heard by Committee.

As a Committee on a Private Bill acts in a judicial as well as legislative capacity, full opportunity is given for promoters and opponents of the proposed measure to be heard, before a decision is reached, and counsel may appear, with the consent of the Committee, for the purpose of supporting or opposing it. (*Rule 66.*)

Chairman has casting vote.

In case of an equal vote in Committee, the Chairman has a second or casting vote (*Rule 67.*)

Second Reading after report by Committee.

Private Bills, reported to the House by the Standing Committee to which they were referred, are placed upon the Orders of the Day following the report, for a Second Reading in the proper order, but all Private Bills reported with amendments are

Re-printed when amended.

Re-printed before they are further proceeded with, and amendments of important character at any stage, necessitate a Reprint. (*Rule 70.*)

Two days' notice of amendments.

If further amendments are proposed to be made when the Bill is in Committee of the Whole, or at its Third Reading, two days' notice of them must have been given before they can be considered, as it is desirable, to avoid precipitate and unfair legislation, and that no new provisions may be inserted, affecting the interests of parties not represented before the Committee, without due notification to all concerned, by publication in the "Votes and Proceedings." (*Rule 72.*)

Fees, in some cases, remitted.

When a Bill is abandoned by its promoters, or the Preamble be not proven, or the order for its second or third reading be discharged, the fees upon it, less the cost of printing, may be refunded, if the Committee so recommends with reasons satisfactory to the House. It is customary to remit fees, less the cost of printing, upon Bills relating to educational or ecclestiastical matters.

Railway Bills.

Private Bills referring to railways running wholly within the Province of Ontario, and not forming part of a road over which the Dominion Parlia-

ment exercises control, are referred for consideration to the Railway Committee.

Private Bills on Orders of the Day.

Private Bills are the first Order of the Day on Monday, and the last on Tuesday and Thursday. On Wednesday and Friday they are considered for an hour, from half-past seven o'clock p.m., and after "Public Bills and Orders" on the same day.

Preamble first considered.

When a Private Bill is before its Standing Committee, the Preamble is first considered, and if it is rejected, the Bill is not proceeded with. (*May, 858, 860, 861.*)

Royal assent.

A Private Bill receives the Royal Assent in the same form as a Public Bill.

In House, procedure as with a Public Bill.

In its passage through the House, a Private Bill is subject to the same forms of procedure as a Public Bill, with the exception already noted as to reference and amendment.

ADJOURNMENTS.

Rule respecting adjournment.

Rule 30 provides that a motion to adjourn the House, or the Debate, shall always be in order; but no member shall speak to such motion for more than ten minutes; and no second motion to the same effect shall be made until after some intermediate proceeding shall have been had. (*May, 301.*)

A member cannot move adjournment of debate and House.

Amendment to motion to adjourn.

A member who has moved the adjournment of the Debate cannot, before that question is decided, move the adjournment of the House; nor can he then move the adjournment of the House if motion for adjournment of Debate is negatived. The only amendment to motion that the House do adjourn to some specific hour or day is, that the House do adjourn to some other hour or day. (*May, 350, 351.*)

On motion to adjourn cannot discuss an Order of the Day.

On the motion that the House, at its rising, do adjourn until some specific day, it is irregular to discuss anything which is the subject of one of the Orders of the Day. (*May, 352.*)

No reference to former debate.

On the motion that the House do now adjourn, no reference can be made to a former debate of the same Session.

When irregular to move adjournment.

On a motion of adjournment it is not unusual for a member to address the House on some other subject; but it is regarded as irregular for a member to move the adjournment of the House merely for the purpose of enabling another member to address the House a second time

Cannot propose an amendment relating to some other matter.

On the question of adjournment of the House, a member cannot make a motion on another subject by way of amendment to the question before the House. (*May, 351.*)

Having spoken cannot move adjournment.

A member who has once spoken in a Debate cannot move the adjournment of the House for the purpose of speaking again during the same debate. But if the motion for the adjournment be proposed by some other member, he may speak again (*May, 394.*)

If motion to adjourn is substantive, right of reply exists.

If the motion for adjournment is made while another motion is before the House, and during the progress of the Debate, there is no right of reply on the part of its mover. But if the motion for adjournment is a substantive motion, the right of reply exists. (*May, 361.*)

Adjournment may supersede a stage of a Bill.

If the second reading or other stage of a Bill be superseded by adjournment, the Bill disappears from the Orders until the House appoints another day for proceeding with it.

Cannot be moved while another is speaking.

The adjournment cannot be moved while a member is speaking. (*May, 300.*)

No record of names on motion to adjourn.

No names are recorded on the Journals on a motion to adjourn the House if a vote is taken. (*Rule 88.*)

"Counting Out."

When the attention of the Speaker is called to the fact that twenty members, including himself, are not present, he may adjourn as that number is necessary to form a quorum for the transaction of business. If at any time the House is so adjourned, the names of the members present are to be inserted in the Journal. If the House is in Committee of the Whole, and twenty members are not present, the Chairman may count, and leave the chair, when the Speaker resumes his chair, and counts the House, adjourning if twenty members are not within the bar. (*Rule 45. May, 438.*)

The House has been adjourned at various dates as a mark of respect to the memory of a member who had died during the then current Session. On 6th January, 1869, it adjourned on the death of W. M. Shaw, Esq, South Lanark; 12th January, 1877, on death of Peter Graham, Esq., Frontenac; 22nd January, 1877, on death of John Fleming, Esq., South Waterloo; in 1885, on death of W. Harkin, Esq, who died in the House; on 20th February, 1881, on death of Abram W. Lauder, Esq., East Grey; on 2nd March, 1885, on death of Daniel McCraney, Esq., East Kent; and on 28th of March, 1892, on death of Henry Edward Clarke, Esq., Toronto, who died in the Chamber. The House adjourned 9th November, 1869, to attend the funeral of the Chancellor of Ontario, Hon. P. M. Vankoughnet, and in 1882 it attended the funeral of Rev. Dr. Ryerson, for many years Superintendent of Education of the Province.

Adjournments on death of Members.

ILLEGAL PROMOTION OF BILLS.

By Sec. 43, Chap. 11, R. S. O. 1887, it is enacted that no member of the Legislature shall receive remuneration in any shape or manner for drafting, advising upon, revising, promoting or opposing any Bill brought before the House, or a Committee; and no barrister or solicitor, who, in the practice of his profession, is the partner of a member of the Legislative Assembly, shall accept or receive, either directly or indirectly, any fee, compensation or reward as aforesaid. Any person violating these provisions shall be subject to a penalty of $500, in addition to the amount or value of the fee or compensation and costs of action, one-half of the whole amount being payable to the person suing therefor, and the other half for the public use of the Province. Any violation of Sec. 43 shall be deemed a corrupt practice, and an election petition may be filed against the offender within six months after the offence.

No member, through himself or partner, shall receive remuneration for promoting a Bill in any manner whatever.

The offer of any money or other advantage to any Member of the House for the promoting of any

The offer of money to a mem-

ber for his influence a high crime.

matter whatsoever depending or to be transacted in Parliament, is declared, by Rule 116, to be a high crime and misdemeanor and tending to the subversion of the Constitution.

Offer of a bribe punishable as a breach of privilege.

Sub-sec. 3, Sec. 48, Chap. 11, R. S. O. 1887, enacts that the offer to, or the acceptance of a bribe by any member of the Assembly to influence him in his proceedings as such, or the offering to or acceptance of any fee, compensation or reward by any member, for or in respect of the drafting, advising upon, revising, promoting or opposing any bill, resolution, matter or thing submitted, or intended to be submitted to the Assembly, or any Committee thereof, may be punished as a breach of privilege.

ABSENCE OF SPEAKER.

Provision in case of absence of Speaker.

Sec. 33, Chap. 11, R. S. O. 1887, enacts that in case of the absence for any reason of the Speaker from the chair of the Legislative Assembly, for a period of forty-eight consecutive hours, the House may elect another of its members to act as Speaker, and the member so elected shall, during the continuance of the absence of the Speaker, have and execute all the powers, privileges and duties of Speaker.

In case of illness, or other cause, the Speaker may call a member to take the chair *pro tem.*

Assembly may elect a Speaker for the day.

Whenever, from illness or other cause, the Speaker finds it is necessary to leave the chair during any part of the sittings of the Assembly on any day, he may call upon any member to temporarily occupy the chair, and even sit during the whole of the remainder of the day; and whenever it is impossible for the Speaker to be present at the meeting of the Assembly on any day, the House may elect a member to take the chair and preside as Speaker for the day; and everything done, while such member is acting as Speaker, shall be as valid as if the Speaker himself were presiding in the chair.

"WHIPS."

Duties of the "Whips."

Each party, at the commencement of a Parliament, selects one or more gentlemen to act as "Whips" and Assistant Whips. Their duties are

onerous and exacting, and require those who faithfully discharge them to not only foresee but be present at all Divisions, to know the whereabouts of every member, and to take good care that the supporters of their leaders are within the sound of the Division bells when they announce that a vote is about to be taken. They are necessarily the custodians of party secrets, and become the means of communication, at times, between leaders and followers. They make "pairs" with the Whips of the opposite side, and often ascertain the names of members anxious to take part in a debate, and arrange, to some extent, the length of a protracted discussion which has gone beyond ordinary limits. They summon members to a "caucus," and attend to the many other things which must come within the scope of thorough organization. In short, what a good Adjutant is to a Regiment, a faithful Whip is to his Party.

PAIRS.

Pairs sought in case of compulsory absence.

A member compelled to absent himself from a division, either through sickness or other cause, ought to make an arrangement, through "the Whip" of his party, to secure him "a pair" with some member on the opposite side who may desire to be absent, or willing to good naturedly serve a fellow member. In this case, the member agreeing to pair will not vote, even if in the House, until the return of the absent member, and the relative strength of the respective parties in the House will not be affected. No official record is kept of pairs, but, after a Division, the Whips call attention to their existence by asking that the Division List be read, and stating that certain gentlemen have not voted because they had "paired" with others. This temporary suspension of the right to vote is an act of courtesy willingly extended by members to each other, but is seldom resorted to unless under pressing circumstances. The absence of the name of a member from the Division List when he is "paired" is generally reported by the press.

THE PREVIOUS QUESTION.

The Previous Question precludes further amendments, but cannot be put when an amendment is before the House.

The 35th Rule of the House defines the Previous Question as precluding all amendments of the Main Question, and to be put in the words, "That this Question be now put." If this motion prevail, the original question is put forthwith without amendment or debate, and although the question of adjournment may be proposed and voted upon after a motion for the Previous Question has been placed in the hands of the Speaker, it cannot be moved, when the Previous Question has carried, before the Main Question has been disposed of. The House, in adopting it, had resolved that the Original Question should be *now* put, and that must be done. But the Previous Question cannot be put if an amendment is already before the House. When that amendment is disposed of, the way for the Previous Question is clear. Nor can an amendment be moved to the Previous Question, although the debate upon the adoption of the Previous Question may be adjourned.

Nor can an amendment be moved to the Previous Question.

No amendment shall be moved which is in the nature of the Previous Question.

No amendment should be submitted which is in the nature of a Previous Question, MAY says, nor can an amendment to an Amendment be admitted, if of this character. (See Decision of the Speaker in Ontario Legislative Assembly, 14th February, 1877.) But the more recent Practice of the Legislative Assembly, and the Speaker's rulings with reference to the same matter, have been contrary to this Decision.

THE ONTARIO CABINET.

Responsible Government in Ontario.

Responsible Government prevails in Ontario as it does in the Dominion. Each member of the Executive necessarily holds a seat in the Legislature, and the Cabinet relies for its existence upon the confidence reposed in it by the representatives of the people. Its policy must be such as shall secure the approval of a majority of the Legislative

Assembly, and a vote markedly adverse to it is regarded as a withdrawal of the support essential to the official existence of the then advisers of the Lieutenant-Governor. The Cabinet cannot retain power in opposition to a declared want of confidence expressed by a vote of the House, although, under certain circumstances, it may advise and be granted an appeal to the electorate. Its retention of position, in such case, will depend upon the sustaining vote of a majority of the newly-elected body.

An appeal to Electors.

A member of the Legislature may be called upon to enter the Cabinet, in either the Dominion or the Province, without portfolio or salary, but such an appointment is not often made, and is a departure from the general rule which apportions to each of the Executive the control of a Department.

Without Portfolio.

In Ontario, a Minister of the Crown has frequently been compelled to undertake the management of what are practically two or three Departments, although nominally at the head of one.

A Minister has acted as Commissioner of Agriculture and of Public Works, and afterwards as Commissioner of Agriculture and Provincial Secretary. The Commissioner of Crown Lands has control of Mines and Mining, and the Provincial Secretary, in addition to his other duties, has charge of the Public Institutions of the Province. The Treasurer, while managing the Finances of the Province, superintends the License Branch, and the Minister of Agriculture discharges the duties of Registrar-General, and presides over the Bureau of Industries.

Ministers combining Departments.

Since Confederation, the affairs of the Province of Ontario have been administered by three Cabinets, of which Hon. J. S. Macdonald, Hon. E. Blake and Hon. Sir O. Mowat have successively been the Premiers. That of which Hon. J. S. Macdonald was leader, was formed in July, 1867, and its first members were sworn in on the 16th of that month. This Government, coalition in character, remained in office until 19th December, 1871, when it resigned after adverse votes in a newly-elected Legislative

Three Cabinets since Confederation

Assembly. Hon. E. Blake was sworn in as Premier and President of Council, on 20th December, 1871, and held office until 25th October, 1872. In the Session of the Ontario Assembly in 1872, an Act was passed, and received the Royal Assent on 2nd March, which provided that if any person, being a member of the Legislative Assembly, should, after the dissolution of the then House of Commons of Canada, sit or vote as a member of that body, his seat in the Assembly would thereby become void; and the House of Commons, at its Session closing 14th June, 1872, enacted that no person shall be eligible to a seat in the Commons if at the time a member of either the Legislative Assembly, or Council of a Province declaring a member of the House of Commons incapable of being appointed a member of its Legislature. In view of this legislation, Mr. Blake, a member of both the House of Commons and the Legislative Assembly, was compelled to chose one or the other as the scene of his parliamentary labors, and, preferring the larger field, resigned the Premiership of his native Province and his seat in its Legislative Assembly. He was succeeded by Hon. O. Mowat, who formed a Government, and took office therein as Attorney-General, on 31st October, 1872.

Ineligibility of Members of House of Commons.

First Cabinet.

The First Cabinet of Ontario comprised Hons. J. S. Macdonald, Premier, S. Richards, M. C. Cameron, E. B. Wood and J. Carling.

Second Cabinet.

The Second Cabinet consisted of Hons. E. Blake, Premier, A. Mackenzie, A. Crooks, A. McKellar and P. Gow.

Third Cabinet.

The Third and now existing Cabinet, formed 31st October, 1872, has had amongst its members at various times, Hons. Sir O. Mowat, Premier, T. B. Pardee, C. F. Fraser, A. S. Hardy, G. W. Ross, J. M. Gibson, R. Harcourt, J. Dryden, A. McKellar, S. C. Wood, A. Crooks, J. Young, A. M. Ross, C. Drury and E. H. Bronson.

The following list shows the office held by each Cabinet Minister since Confederation, and the date of his appointment and resignation:

FIRST CABINET FORMED 16TH JULY, 1867.

Hon. J. S. Macdonald: Premier and Attorney-General from 16th July, 1867, to 19th December, 1871.

Hon. M. C Cameron: Provincial Secretary from 20th July, 1867, to 25th July, 1871; Commissioner of Crown Lands from 25th July, 1871, to 19th December, 1871.

Hon. S. Richards: Commissioner of Crown Lands from 16th July, 1867, to 25th July, 1871; Provincial Secretary from 25th July, 1871, to 19th December, 1871.

Hon. E. B. Wood: Provincial Treasurer from 16th July, 1867, to 19th December, 1871.

Hon. J. Carling: Commissioner of Agriculture and Public Works from 16th July, 1867, to 19th December, 1871.

Cabinet resigned 19th December, 1871.

SECOND CABINET FORMED 20TH DECEMBER, 1871.

Hon. E. Blake: Premier and President of Council, from 20th December, 1871, to 25th October, 1872.

Hon. A. Mackenzie: Provincial Secretary from 20th December, 1871, to 21st December, 1871; Provincial Treasurer from 21st December, 1871, to 26th October, 1872.

Hon. A. Crooks: Attorney-General from 20th December, 1871, to 25th October, 1872.

Hon. A. McKellar: Commissioner of Agriculture and Public Works from 20th December, 1871, to 25th October, 1872.

Hon. R. W. Scott: Commissioner of Crown Lands from 21st December, 1871, to 26th October, 1872.

Cabinet resigned 25th October, 1872.

THIRD CABINET FORMED 25TH OCTOBER, 1872.

Hon, Sir O. Mowat: Premier and Attorney-General from 25th October, 1872, to present date.

Hon. T. B. Pardee: Provincial Secretary from 25th October, 1872, to 1873; Commissioner of Crown Lands from 4th December, 1873, to December, 1888.

Hon. A. Crooks: Provincial Treasurer from 25th October, 1872, to 24th March, 1877; Minister of Education from 14th February, 1876, to 23rd November, 1883.

Hon. A. McKellar: Commissioner of Agriculture and Public Works from 25th October, 1872, to 4th April, 1874; Commissioner of Agriculture and Provincial Secretary from 4th April, 1874, to 24th July, 1875.

Hon C. F. Fraser: Provincial Secretary from 25th November, 1873, to 4th April, 1874; Commissioner of Public Works from 4th April, 1874, to date.

Hon. A. S. Hardy: Provincial Secretary and Registrar from 19th March, 1877, to 18th January, 1889; Commissioner of Crown Lands from 18th January, 1889, to date.

Hon. S. C. Wood: Provincial Secretary and Registrar from 25th July, 1875, to March, 1877; Provincial Treasurer from 19th March, 1877, to 2nd June, 1883.

Hon. J. Young: Provincial Treasurer and Commissioner of Agriculture from 2nd June, 1883, to 1st November, 1883.

Hon. G. W. Ross: Minister of Education from 23rd November, 1883, to date.

Hon. A. M. Ross: Provincial Treasurer from 2nd November, 1883, to 14th June, 1896; Commissioner of Agriculture from 2nd November, 1883, to May, 1888.

Hon. C. Drury: Minister of Agriculture from 1st May, 1888, to 29th September, 1890.

Hon. J. M. Gibson: Provincial Secretary from 18th January, 1889, to date.

Hon. J. Dryden: Minister of Agriculture from 30th September, 1890, to date.

Hon. R. Harcourt: Provincial Treasurer from 30th September, 1890, to date.

Hon. E. H. Bronson: Without Portfolio, from 30th September, 1890, to date.

LIEUTENANT-GOVERNORS OF ONTARIO.

Lieut.-General Henry William Stitsed, C.B., from July 1, 1867, until July 14, 1868; died December 10, 1875.

Hon. William Pearce Howland, C.B., from July 14, 1868, until November 5, 1872.

Hon. John Willoughby Crawford, Q.C., from November 5, 1873, until his death, May 13, 1875.

Hon. Donald Alexander Macdonald, Priv. Coun., from May 18, 1875, until June 29, 1880.

Hon. John Beverley Robinson, Q.C., from June 30, 1880, to February, 1887.

Hon. Sir Alexander Campbell, Q.C., from June 1, 1887, until his death, May 24, 1892.

Hon. Lieut.-Col. George Airey Kirkpatrick, Q.C., LL D., appointed May 30, 1892.

LIST OF SPEAKERS

Of the Legislative Assembly of Ontario.

Name of Speaker.	Constituency.	When Elected.	Legislature.
Hon. John Stevenson	Lennox.....	Dec. 27, 1867 .	First.
" Richard William Scott	Ottawa	" 7, 1871	Part of Second.
" George James Currie .	Welland	" 21, 1871	Part of Second.
" Rupert Mearse Wells.	South Bruce	Jan. 7, 1874	Part of Second.
" " .	"	Nov. 24, 1875 .	Third.
" Charles Clarke	Centre Wellington.	Jan. 7, 1880 .	Fourth.
" "	" .	" 23, 1884 .	Fifth.
" Jacob Baxter.....	Haldimand	Feb. 10, 1887 .	Sixth.
" Thomas Ballantyne ..	South Perth	" 11, 1891 .	Seventh.

PREMIERS OF ONTARIO.

Name.	Constituency.	When Appointed.	Legislature.
Hon. John Sandfield Macdonald	Cornwall	July 16, 1867 .	First.
Hon. Edward Blake	West Durham	Dec. 20, 1871 .	Second.
Hon. Sir Oliver Mowat	North Oxford	Oct. 31, 1872	Part of Second up to Seventh inclusive.

SPEAKER'S WARRANT

FOR ARREST OF PARTY GUILTY OF A CONTEMPT OR BREACH OF PRIVILEGE.

Province of Ontario, } To
Dominion of Canada, }
To Wit: } Sergeant-at-Arms.

Whereas, the Legislative Assembly of the Province of Ontario have this day resolved that , having been guilty of a contempt and breach of the privileges of this House, be committed to the custody of the Sergeant-at-Arms attending this House. These are therefore to require you to take into your custody the body of the said and him safely to keep during the pleasure of the House, for which this shall be your sufficient warrant.

Witness my hand and seal, at the City of Toronto, this day of , in the year of our Lord, one thousand eight hundred and ninety- .

(L.S.)
Speaker.

NOTICE TO THE SPEAKER

OF A SEAT RENDERED VACANT BY THE DEATH, RESIGNATION, OR ACCEPTANCE OF OFFICE BY A MEMBER.

To the Honourable ,
Speaker of the Legislative Assembly of Ontario.

We, the undersigned, being two members of the Legislative Assembly of Ontario, do hereby give

notice to you that a vacancy has happened in the Legislative Assembly of Ontario in the representation of the Electoral District of
(by the death of)
(by the resignation of)
(by the acceptance of an office of emolument under the Crown, that is to say, the office of)
, Member of the said Electoral District of .

Witness our hands and seals at
this day of 189 .

Signed and sealed in the presence of
E. F.
of

A. B. (L.S.)
C. D. (L.S.)

RESIGNATION OF A MEMBER.

189 .

To the Honourable ,
Speaker of the Legislative Assembly of Ontario.

SIR,—I hereby declare my intention of resigning my seat in the Legislative Assembly of Ontario for the Electoral District of ,
and I do hereby resign the same.

And I make this declaration and resignation, under my hand and seal, and in the presence of the undersigned witnesses.

Signed and sealed in our presence at
the day and year above written.
C. D., of
E. F., of

A. B., (L.S.)

GENERAL ELECTIONS IN ONTARIO SINCE CONFEDERATION.

1. 1867. September. Legislature dissolved, 25th February, 1871.
2. 1871. Nominations, 14th March. Poll, 21st March. Legislature dissolved, 23rd December, 1874.
3. 1875. Nominations, 11th January. Poll, 18th January. Legislature dissolved, 25th April, 1879.
4. 1879. Nominations, 29th May. Poll, 5th June. Legislature dissolved, 1st February, 1883.
5. 1883. Nominations, 20th February. Poll, 27th February. Legislature dissolved, 15th November, 1886.
6. 1886. Nominations, 21st December. Poll, 28th December. Legislature dissolved, 26th April, 1890.
7. 1890. Nomination, 29th May. Poll, 5th June

VOTES CAST AT GENERAL ELECTION TO ONTARIO LEGISLATIVE ASSEMBLY, 1890.

(Names of members returned in *italic*.)

Constituency.	Total vote.				Majority.
Addington	*Reid*	1498	Halliday	1412	86
Algoma, E. R	*Campbell, A F.*	1569	Lyon	1509	60
" W. R	*Connee*	786	Macdonell	727	59
Brant, N. R	*Wood*	1178	Hamilton	657	521
" S. R	*Hardy*	2067	Jones	1433	634
Brockville	*Fraser*	1781	Kinney	1620	161
Bruce, N. R	*George*	1835	Porter	1818	17
" S. R	*O'Connor*	2179	Tennant	1204	975
" C. R	*Dack*	1860	Shaw	1549	311
Cardwell	*Hammell*	1183	Lennox	1138	45
Carleton	*Monk*	1145	Kidd	1136	9
Dufferin	*Barr*	1333	Bailey Gaviller	603 501	730
Dundas	*Whitney*	2104	Graham	1948	156
Durham, E. R	*Campbell, G*	1314	Collins	1304	10
" W. R	*Lockhart*	1694	Prower	1643	51
Elgin, E. R	*Godwin*	2038	Dance	1920	118
" W. R	*McColl*	2384	McCrimmon	2199	185
Essex, N. R	*White*	1901	Pacaud Cleary	1266 802	635
" S. R	*Balfour*	2505	Fox	2298	207
Frontenac	*Smith*	1258	Shibley	1169	98
Glengarry	*Rayside*	1756	McPhee	1498	258
Grenville	*Bush*	1611	French	1199	412
Grey, N. R	*Cleland*	2312	Creighton	1935	377
" C. R	*Rorke*	1513	Hunt	1370	143
" S. R	*Hunter*	2156	Blythe	2012	144
Haldimand	*Baxter*	2000	Sheppard	1667	333
Halton	*Kerns*	2377	Robinson	2196	181
Hamilton	*Stinson*	4111	Gibson	4025	86
Hastings, W. R	*Biggar*	1678	Ostrom	1542	136
" E. R	*Hudson*	1801	Vermilyea	1792	9
" N. R	*Wood*	Accl.			
Huron, E. R	*Gibson*	2256	Musgrave	1753	503
" S. R	*Bishop*	2144	Holmes	1986	158
" W. R	*Garrow*	2125	Roberts	2013	112
Kent, E. R	*Ferguson*	2347	Patterson Parrot	1714 286	633
" W. R	*Clancy*	2823	Fleming	2782	41
Kingston	*Metcalf*	1629	Thompson	1600	29
Lambton, E. R	*McKenzie*	2203	McGillicuddy Barnes	1741 260	462
" W. R	*Mackenzie*	2748	Fitzgerald Coulter	2035 172	713
Lanark, N. R	*Caldwell*	1525	Preston	1336	189
" S. R	*McLenaghan*	1509	Kippen Burrows	1078 7	431
Leeds	*Preston*	1818	Webster	1362	451

VOTES CAST AT GENERAL ELECTION—*Concluded.*

Constituency.	Total vote.				Majority.
Lennox	*Meacham*	1441	Aylesworth	1419	22
Lincoln	*Hiscott*	2424	Garson	2271	153
London	*Meredith*	Accl.			
Middlesex, E.	*Tooley*	2508	Purdom	2450	58
" N	*Waters*	2060	Hutchins	1945	85
" W	*Ross*	1950	Morgan	1826	124
Monk	*Harcourt*	1765	Snider	1341	424
Muskoka	*Marter*	1565	Cockburn	1476	89
Nipissing	*Loughrin*	881	Purvis	429	452
Norfolk, S.	*Charlton*	1563	Morgan	1498	65
" N	*Freeman*	1601	Boughner	1294	307
Northumberland, E.	*Willoughby*	2185	Young	1910	275
" W	*Field*	1453	Purser	1060	393
Ontario, N	*Glendinning*	1869	Gould.	1791	78
" S	*Dryden*	2460	Miller	2328	132
Ottawa	*Bronson*	3379	Donaldson	1964	1415
Oxford, N	*Mowat*	Accl.			
" S	*McKay*	1764	Butler	963	801
Parry Sound	*Sharpe*	1387	McCormick	1277	110
Peel	*Chisholm*	2059	Hughes	1936	123
Perth, N. R.	*Ahrens*	2729	Hess	2637	92
" S. R.	*Ballantyne*	2241	Davis	1610	631
Peterborough, E.	*Blezard*	1421	Kidd	1342	79
" W	*Stratton*	1925	Carnegie	1361	564
Prescott	*Evanturel*	Accl.			
Prince Edward	*Sprague*	2040	Johnson	2033	7
Renfrew, S.	*Dowling*	1470	Campbell 1241 / Leitch 246		229
" N	*Dunlop*	1843	Murray	1755	88
Russell	*Robillard*	2233	Broder	1388	835
Simcoe, E	*Miscampbell*	2092	Drury	1934	158
" W	*Wylie*	1318	Hood	823	495
" C	*Paton*	1559	Craig	1142	417
Stormont	*Mack*	2262	Leitch	1906	356
Toronto	*E. F. Clarke*	5862	McDougall	5197	320
	H. E. Clarke	5542	Armour	4502	183
	Tait	5359	Bell 4001 / Moses 703		162
Victoria, E	*Fell*	1459	Campbell	1387	72
" W	*McKay*	1827	Cruess	1395	432
Waterloo, N.	*Snider*	2205	Scully	1483	722
" S	*Moore*	2161	Bowman	1744	417
Welland	*McCleary*	2345	Morin	2274	71
Wellington, S	*Guthrie*	2098	McDonald	1446	652
" E	*Clarke, C*	1562	Hampton	1103	459
" W	*Allan*	1495	Long	1189	306
Wentworth, N.	*McMahon*	1469	Maclean	1181	288
" S	*Awrey*	1472	Potts	1451	51
York, E.	*Smith*	1705	Gibson	1188	517
" W	*Gilmour*	1789	Clendennan	1728	61
" N	*Davis*	1875	Robinson	1184	691

BY-ELECTIONS SINCE GENERAL ELECTION, 1890.

Constituency.	Total vote.		Majority.
Ontario, S	*Dryden* ..... Accl.		
Monk	*Harcourt* ..... Accl.		
Norfolk, N	*Carpenter* ... 1720	Boughner 1490	230
" S	*Charlton* 1676	Morgan 1579	97
Durham, E	*Campbell* 1784	Collins 1692	92
Perth, N	*Magwood* 2828	Ahrens 2782	46
Hamilton	*Gibson* 4386	Stinson 3710	676
Bruce, N	*Porter* 2171	George..... 1966	205
Grey, S	*McKechnie* ... Accl.		
Wellington, E	*Kirkwood* 1394	Craig 1221	173
Kingston	*Harty* 2336	Drennan 1572	764
Renfrew, N	*Barr* 1569	Findlay 1151	418
Toronto	*Bigelow* 4948	Kent..... .. 4116 Thompson..... 490 Macdonald . . 171	832
Peel	*Smith* 2477	Cook..... 1564	913
Toronto	*Ryerson* 7619	Ogden ..... 7029 Thompson..... 642	590
Bruce, North	*McNaughton* .. 1640	George ..... 1132 Pierson 991	508
Lambton, East	*McCallum* 2230	McKinnon 1825	405

THE LEGISLATIVE ASSEMBLY OF ONTARIO.

Table shewing the duration of each Session of the Legislature, etc., from Confederation.

FIRST LEGISLATURE.

Year.	House met.	Address moved.	Mover of Address.	Seconder of Address.	Address Carried.	Legislature Prorogued.
1867	Dec. 27	Dec. 30	John Coyne	Absalom Greeley	Dec. 30, 1867	March 4, 1868.
1868	Nov. 3	Nov. 4	William Lount	Delino Dexter Calvin	Nov. 6, 1867	Jan. 23, 1869.
1869	Nov. 3	Nov. 4	Fred. W. Cumberland	Henry D. Smith	Nov. 4, 1869	Dec. 24, 1869.
1870	Dec. 7	Dec. 8	John Carnegie	Thomas Murray	Dec. 12, 1870	Feb. 15, 1871.

SECOND LEGISLATURE.

1871-2	Dec. 7	Dec. 11	Hammel W. Deroche	Herbert S. Macdonald.	Dec. 16	March 2, 1872.
1873	Jan. 8	Jan. 9	William Caldwell	Rupert N. Wells	Jan. 10	March 29, 1873.
1874	Jan. 7	Jan. 9	Arthur S. Hardy	Peter Patterson	Jan. 12	March 24, 1874.
1874 (second)	Nov. 12	Nov. 13	Donald Sinclair	Gideon Striker	Nov. 13	Dec. 21, 1874.

THIRD LEGISLATURE.

1875-6	Nov. 24	Nov. 26	Joseph W. Widdifield	James M. Ferris	Nov. 29	Feb. 10, 1876.
1877	Jan. 3	Jan. 4	John C Miller	James Massie	Jan. 5	March 2, 1877.
1878	Jan. 9	Jan. 10	A. McLagan Ross	John Lane	Jan. 14	March 7, 1878.
1879	Jan. 9	Jan. 10	Richard Harcourt	David McLaws	Jan. 22	March 11, 1879.

INDEX. RULES AND ORDERS. DECISIONS OF MR. SPEAKER

FOURTH LEGISLATURE.

1880	Jan. 7	Jan. 7	James W. McLaughlin.	John Waters	Jan. 9	March 5, 1880.
1881	Jan. 13	Jan. 14	John M. Gibson	John Dryden	Jan. 18	March 4, 1881.
1882	Jan. 12	Jan. 13	David D. Hay	Charles Robinson	Jan. 27	March 10, 1882.
1882-3	Dec. 13	Dec. 14	William D. Balfour	Charles Drary	Dec. 20	Feb. 1, 1883.

FIFTH LEGISLATURE.

1884	Jan. 23	Jan. 25	Duncan J. McIntyre	Ephraim G. Sills	Feb. 6	March 25, 1884.
1885	Jan. 28	Jan. 29	Nicholas Awrey	Albert Hagar	Jan. 29	March 30, 1885.
1886	Jan. 28	Jan. 29	George D. Hawley	James Conmee	Feb. 2	March 25, 1886.

SIXTH LEGISLATURE.

1887	Feb. 10	Mch. 2	Donald Guthrie	Alfred Evanturel	Mch. 2	April 23, 1887.
1888	Jan. 25	Jan. 26	James R. Stratton	Angus McKay	Jan. 26	March 23, 1888.
1889	Jan. 24	Jan. 25	George B. Smith	Elihu J. Davis	Jan. 25	March 23, 1889.
1890	Jan. 30	Jan. 31	Charles Mackenzie	John T. Gilmour	Jan. 31	April 7, 1890.

SEVENTH LEGISLATURE.

1891	Feb. 11	Mch. 10	Joseph Tait	James T. Garrow	Mch. 10	May 4, 1891.
1892	Feb. 11	Feb. 15	William H. Biggar	William T. Lockhart	Feb. 15	April 14, 1892.
1893	Apl 4	Aprl. 5	Absalom S. Allan	Gilbert McKechnie	April 5	May 27, 1893.

OFFICERS AND SERVANTS.

THE CLERK OF THE HOUSE is appointed by Commission from the Lieutenant-Governor, and is responsible for the safe keeping of all the Papers and Records of the House; he has direction and control over the Officers and Clerks employed in the Legislative Chamber, subject to such orders as he may from time to time receive from the Speaker; he endorses, with his recommendation and approval, any new appointment of Clerk or Messenger, and sends it to the Speaker for action thereon; he furnishes the Speaker every morning with the Order of the Proceedings of the Day, and forwards to the Lieutenant-Governor a copy of the Votes and Proceedings of the preceding day; he delivers to each Member, at the beginning of each Session, a printed list of the Reports which it is the duty of any Officer or Department of the Government, or any Corporate Body to make to the House; he certifies upon all Bills the date of the readings and passing thereof, and keeps a record of their various stages; he makes all Notices as to Private Bills; he transmits Estate Bills to the Commissioners; he posts, in some conspicuous part of the House, a list of the several Standing and Select Committees; he pays out of the Contingent Fund the fees to which witnesses before Special Committees are entitled; records Divisions; reads Petitions and other Documents; admits persons to the Library; receives Fees on Private Bills; and discharges numerous other duties not specified in the Rules of the House. The Clerk. Rule 100. Rule 98. Rule 101. Rule 39. Rule 102. Rule 46. Rules 52, 64, 75. Rule 62. Rule 78. Rule 86. Rule 92. Rule 110.

THE CLERK ASSISTANT acts as Clerk of Votes and Proceedings; indexes the Journal and Sessional papers; prepares the Orders of the Day and Notices of Motions; indorses, enters and indexes Petitions; calls Divisions; keeps a record of the progress of Bills; reads the titles of Bills for Royal Assent; and aids generally in Sessional work, and in proof-reading, indexing and other clerical labors during the recess. Clerk Assistant.

Sergeant-at-Arms. Rule 103.

THE SERGEANT-AT-ARMS is responsible for the safe-keeping of the Mace, Furniture and Fittings of the House during the Session, and for the conduct of the Messengers and Pages; he takes into custody any stranger admitted to the House who shall misconduct himself and not withdraw when directed; shall clear the House of strangers when directed by the Speaker; precedes the Speaker when entering and leaving the House, and issues tickets for admission to the Galleries, and invitations to the opening and closing of the Legislature.

Rule 6.

Rule 7.

The Law Clerk. Rule 50.

It is the duty of the LAW CLERK of the House to revise all Bills after their First Reading, and to certify that they are correct; and in every subsequent stage of them he is responsible for their correctness, if amended.

Postmaster.

The Clerk in charge of the Post Office discharges all the duties of a POSTMASTER, and, with his assistant, receives, sorts and delivers the mail; has charge of Private Bills, Reports, and other Sessional Papers for distribution; and assists in the arrangement and preservation of the Records.

Accountant of the House.

The Queen's Printer acts as ACCOUNTANT to the House, and, with the Clerk, pays the Sessional Indemnity to members; and issues stationery required for the use of the Legislature.

The Librarian.

The Library of the Legislative Assembly is in charge of a LIBRARIAN and two Assistants, one of whom at least is present from 9 a.m to 9 p.m. daily during the Session, and later if the House continues to sit; and from 10 a.m. to 4 p.m. on every day during the recess, excepting holidays and Sundays. The Reading Room is under the control of the Librarian, and is open at the same hours. The Rules for the management of the Library are given under a separate heading.

The Housekeeper and Chief Messenger.

THE CHIEF MESSENGER of the House acts as housekeeper and has residence in the west wing of the Public Buildings. He has special charge of the cleanliness, heating and lighting of the Chamber, Committee Rooms, Speaker's Apartments, offices, corridors and entrances connected with the Legislative portion of the Building, and has control of

the Messengers and other employes during the whole year, subject to the instructions of the Speaker while the Legislature is in Session. He prepares the Pay-sheet for Messengers, Pages, etc., which is certified by the Clerk before it is sent to the Treasurer, and makes, under direction of the Public Works Department, purchases of necessaries.

SUSPENSION OF RULES.

Suspension of Rules regarding extension of time for certain purposes must be upon report of the Committee.

Rule 51 declares that no motion for suspension of Rule for the extension of the time for the reception of Petitions for Private Bills, the presentation of a Private Bill, or of the Report of a Standing or Select Committee thereon, shall be entertained unless after reference thereof to the several Standing Committees charged with the consideration of Private Bills, or upon report submitted by two of such Committees; but by Rule 57, it is provided that no Motion for the suspension of the Rules upon a Petition for a Private Bill is in order, unless said suspension has been reported by the Committee on Standing Orders.

Suspension of Rule.

Rule 64 directs that no Private Bill is to be considered in the Committee thereon until it has been printed, distributed to Members, and five days' clear notice of the sitting of the Committee has been posted. This Rule cannot be suspended until the proper Standing Committee has reported in favor of such suspension.

In case of urgent necessity.

Rule 73 says that, except in case of urgent and pressing necessity, no Motion can be made to dispense with any Standing Order relative to Private Bills, without due notice thereof.

PRAYERS.

Form of Prayer at opening of Daily Session.

The proceedings in the Legislative Assembly are preceded each day by the reading, by the Speaker, of the following Prayers, adopted by the House on the report of a Special Committee, in the Session of 1878:

O Lord our Heavenly Father, High and Mighty, King of kings, Lord of lords, the only Ruler of

princes, who dost from Thy throne behold all the dwellers upon earth; Most heartily we beseech Thee with Thy favor to behold our Most gracious Sovereign Lady Queen Victoria, and so replenish her with the grace of Thy Holy Spirit that she may always incline to Thy will and walk in Thy way: Endue her plenteously with Heavenly gifts; grant her in health and wealth long to live; strengthen her that she may vanquish and overcome all her enemies; and finally, after this life, may attain everlasting joy and felicity, through Jesus Christ Our Lord.—Amen.

Almighty God, the Fountain of all Goodness, we humbly beseech Thee to bless Albert Edward, Prince of Wales, the Princess of Wales, and all the Royal Family: Endue them with Thy Holy Spirit; enrich them with Thy Heavenly Grace; prosper them with all Happiness; and bring them to Thine everlasting Kingdom, through Jesus Christ Our Lord.—Amen.

Most Gracious God, we humbly beseech Thee, as for the United Kingdom of Great Britain and Ireland, and Her Majesty's Dominions in general, so especially for this Province, and herein more particularly for the Lieutenant-Governor and the House of Assembly, in their Legislative capacity at this time Assembled; that Thou wouldst be pleased to direct and prosper all their consultations, to the advancement of Thy glory, the safety, honour, and welfare of our Sovereign and Her Province of Ontario, that all things may be so ordered and settled by their endeavors, upon the best and surest foundations, that peace and happiness, truth and justice, religion and piety, may be established among us for all generations. These, and all other necessaries for them, and for us, we humbly beg in the Name, and through the mediation of Jesus Christ, our Most blessed Lord and Saviour.—Amen.

Our Father which Art in Heaven, Hallowed be Thy name. Thy Kingdom come. Thy will be done on earth, as it is in Heaven. Give us this day our daily bread. And forgive us our trespasses, as we forgive them that trespass against us. And lead us not into temptation; but deliver us from evil.—Amen.

OATHS.

Affidavit as to payments other than through an Agent.

Sec. 15, Chap. 11, R. S. O. 1887, declares that before a Member-elect of the Legislative Assembly is permitted to take the Oath as a Member, he shall file with the Clerk of the House the following affidavit, to be sworn before the Clerk:

I, , of the , in the County of , elected to represent the Electoral District of (*as the case may be*), in the Legislative Assembly of the Province of Ontario, make oath and say:—

That, except in respect of my personal expenses, I have not made, before, during or since the Election, any payment, advance, loan, or deposit for the purposes of the Election last held for the said Electoral District, otherwise than through *A. B.* and *C. D*, my agents, duly appointed under *The Ontario Election Act;* and that I will not hereafter make any payment, loan or deposit in respect of the said Election, except through an agent or agents appointed under the said Act. I further say that I have not been guilty of any corrupt practices in respect of the said Election.

Sworn before me, this day of A.D. 1891

Clerk of the Legislative Assembly of the Province of Ontario.

Oath of Allegiance.

Section 128 of *The British North America Act, 1867*, directs that every Member of a Legislative Assembly of any Province, shall, before taking his seat therein, take and subscribe before the Lieutenant-Governor of the Province, or some person authorized by him, the Oath of Allegiance contained in the fifth schedule to the Act, and which reads as follows:

I, *A. B.*, do swear that I will be faithful and bear true allegiance to Her Majesty, Queen Victoria.

(*Note.—The name of the King or Queen of the United Kingdom of Great Britain and Ireland for the time being is to be substituted, from time to time, with proper terms of reference thereto.*)

PAYMENT OF MEMBERS.

Sessional indemnity.

In every Session of the Legislative Assembly there shall be allowed to each Member the sum of $6 for each day's attendance, unless the Session extends beyond thirty days, when a sessional allowance of such sum as may be appropriated for the purpose, from time to time, shall be paid. The average length of a Session is about two months, and the indemnity for many years has been fixed at $600. In addition to his indemnity, each Member receives stationery supplies to the value of $15 each Session.

Deductions for non-attendance.

A deduction, at the rate of $4 per day, shall be made from the sessional allowance of a Member for every day upon which he does not attend a sitting of the House, unless, if residing at the time within ten miles of the place where the Session is held, he is prevented by sickness from attending the sitting.

Partial payment during Session.

Sec. 64, Chap. 11, R. S. O. 1887, enacts that the compensation may be paid from time to time as the member becomes entitled to it to the extent of $4 for each day's attendance, but the remainder shall be retained by the Clerk of the House until the close of the Session, when the final payments shall be made.

Mileage.

There shall also be allowed to every member the sum of ten cents for every mile of the distance between the place of his residence and the City of Toronto, reckoning the distance going and coming according to the nearest mail route, which distance shall be determined and certified by the Speaker.

Declaration as to attendance.

Each member, before receiving the balance of indemnity due to him at the close of each Session, must make the following declaration before the Clerk of the House, or the Accountant, or a Justice of the Peace:

DECLARATION TO OBTAIN SESSIONAL ALLOWANCE.

(Rev. Stat. Ont., Chap. 11. sec. 68, Schedule C.)

I, , one of the Members of the Legislative Assembly of Ontario, solemnly declare:—

That I reside at , which is distant by

nearest mail route miles, as determined by the Speaker of the Legislative Assembly, from the City of Toronto, where the Session of the Legislative Assembly of Ontario, which began on the day of , one thousand eight hundred and ninety- , was held.

That the first day during the said Session on which I was present at Toronto, where the said Session was held, was the day of , one thousand eight hundred and ninety- .

That on the said day, and on each day of the said Session, after the said day, on which there was a sitting of the said Legislative Assembly, I attended such sitting, or a sitting of some Committee thereof,* except only on days,** on , of which I was prevented by sickness from attending as aforesaid, though I was then present at the said City of Toronto.***

Declared before me at , the day of , one thousand eight hundred and ninety- .

Clerk (or Accountant) of the Legislative Assembly or Justice of the Peace for the of (or as the case may be).

Mileage at 10 cents per mile.....	$
Sessional Allowance	600 00
	$
Less days absent, at $4 per diem .	
	$

Toronto, day of 189

$

Received from the Accountant of the Legislative Assembly, the above mentioned sum of

(Signature)

M.P.P.

ANNUAL SESSION.

Twelve months shall not intervene between sessions.

By Sec. 4, Chap. 11, R. S. O. 1887, it is provided that there shall be a Session of the Legislature, once at least, in every year, so that twelve months shall not intervene between the last sitting of the Legislature in one Session, and the first sitting in the next.

B. N. A., 1867, makes similar provision.

Sec. 86 of the British North America Act, 1867, declares that there shall be a session of the Legislature of Ontario, once at least in every year.

DURATION OF A LEGISLATURE.

Four years.

Chap. 11 of R. S. O. enacts that every Legislative Assembly shall continue for four years from the fifty-fifth day after the date of the writs of the election, and no longer (subject to being sooner dissolved by the Lieutenant-Governor).

Legislature not dissolved by demise of the Crown.

The power to prorogue or dissolve the Assembly is not affected by demise of the Sovereign, nor shall the Assembly determine and be dissolved because of such demise.

PAYMENT OF WRITERS, MESSENGERS AND PAGES.

The amount of compensation to Sessional Writers, Messengers and Pages, is fixed by Mr. Speaker, and is generally as follows:

Sessional Writers	$2 00	per diem.
Messengers	1 50	"
Pages	75	"

DISTRIBUTION OF PUBLIC DOCUMENTS.

Each member of the Legislative Assembly is entitled to receive copies of Public Documents, as they are printed from time to time, in following numbers:

Votes and Proceedings, daily	2
Orders of the Day "	1

Public Bills	5
Private Bills	2
Sessional Papers	5
Departmental Reports	5
Public Bills, third reading	5
Private Bills, "	†
Bound Journals of the House	2
" Sessional Papers	1
Statutes	

†20 copies to the member introducing it.

NUMBER OF REPORTS, ETC.

The number of Reports, Votes, Orders of the Day, Bills, Sessional Papers and Journals, to be printed for the Legislative Assembly for the Province of Ontario, as per Report of Committee on Printing passed 24th March, 1885, is as follows:

	Number of copies.
1. Agriculture and Arts (including 420 for bound Sessional vols.)	2,500
2. Fruit Growers' Association (including 420 for bound Sessional vols.)	2,500
3. Agricultural College (including 420 for bound Sessional vols.)	2,500
4. Estimates (including 420 for bound Sessional vols.)	2,500
5. Public Accounts (including 420 for bound Sessional vols.)	2,500
6. Education (including 420 for bound Sessional vols.)	2,500
7. Departmental Reports (including 420 for bound vols.)	1,920
8. Votes	1,150
9. Orders of the Day	250
10. Public Bills, first reading	1,150
11. Public Bills, reprinted	250
12. Public Bills, third reading	600
13. Private Bills, first reading	600
14. Private Bills, reprinted	250
15. Private Bills, third reading	100

Number of copies.

16. Sessional Papers (600 for immediate distribution and 420 for bound vols.) 1,020
17. Journals, bound vols..... 600

The number of all Departmental Reports to be 1,920, including 420 for bound volumes, excepting those numbered from 1 to 6, inclusive, which are to be 2,500.

Orders for any of the above publications required for any of the Departments must be signed by one of the members of the Executive or head of said department.

RECAPITULATION OF DISTRIBUTION.

I.—Votes.

Distribution as per list	900
Remainder	100
Total printed	*1,500

II.—Orders for the Day.

Distribution as per list	230
Remainder	20
Total printed	*300

III.—Public Bills, First Reading.

Distribution as per list	1,170
Remainder	80
Total printed	*1,500

IV.—Public Bills, Reprinted.

Distribution as per list	230
Remainder	20
Total printed	250

V.—Private Bills, First Reading.

Distribution as per list	500
Remainder	100
Total printed	600

*Numbers subsequently increased by Order of Committee on Printing.

VI.—Private Bills, Reprinted.

Distribution as per list	230
Remainder	20
Total printed	250

VII.—Departmental Reports.

Distribution as per list	1,400
Remainder	100
Total printed	1,500

VIII.—Third Readings of Public Bills.

Distribution as per list	500
Remainder	100
Total printed	600

IX—Third Readings of Private Bills.

Distribution as per list	80
Remainder	20
Total printed	100

X.—Sessional Returns.

Distribution as per list	500
Remainder	100
Total printed	600

XI.—Bound Volumes—Journals.

Distribution as per list	380
Remainder	40
Total printed	*600

XII.—Bound Volumes—Sessional Papers.

Distribution as per list	380
Remainder	40
Total printed	420

By order of

COMMITTEE ON PRINTING.

THE MACE.

Origin and use of Mace.

As a history of the origin and use of the Mace, which plays a part more or less important in the procedure of the House, must possess some interest for the Members of the Legislature, an article upon the subject, copied from the *Canadian Monthly* for August, 1881, is given as an Appendix.

First Upper Canada Mace.

It may be added, that an oil-painting, reproduced and enlarged from a photograph, of the first Mace used in Upper Canada, and captured by the American forces at the burning of York, U.C, on 27th April, 1813, is to be found in the Members' Reception Room.

SALUTES TO LIEUTENANT-GOVERNORS.

When acting on behalf of the Queen.

Earl Kimberley, Secretary of State for the Colonies, in reply to a question put to him, as to the ceremony to be observed at the opening and closing of Provincial Legislatures, said in a despatch to Earl of Dufferin, Governor-General of Canada, 7th November, 1872: "With reference to the question asked by Sir Hastings Doyle, and submitted by Lord Lisgar for my decision, namely, 'whether the Lieutenant-Governors are supposed to be acting on behalf of the Queen,' I have to observe that, while from the nature of their appointment, they represent, on ordinary occasions, the Dominion Government, there are, nevertheless, occasions (such as the opening or closing of a Session of the Provincial Legislatures, the celebration of Her Majesty's birthday, the holding of a levee, etc.) on which they should be deemed to be acting on behalf of Her Majesty, and the first part of the National Anthem should be played in their presence. In connection with this subject, I request you to intimate to your Ministers that it would be desirable to alter paragraph 12 of the Militia Regulations of 1870, so as to permit of the playing of the first six bars of the National Anthem in lieu of a slow march, as now prescribed by the Regulations."

By despatch, dated Downing Street, 19th Oct., 1868, it was declared that Lieutenant-Governors are not entitled to salutes from Her Majesty's ships and fortifications within their respective Provinces.

Governor-General entitled to general salute.

By the Regulations and Orders for the Militia of Canada, 1887, it is provided, paragraph 470, that whenever called out for duty as a Guard of Honour, etc., the militia are to receive His Excellency the Governor-General with a "general salute," standards and colours flying, officers saluting and bands playing 'first part' of the National Anthem (six bars).

Lieutenant-Governors entitled to similar honours at opening and closing of Legislature.

By par. 471, it is declared that Guards of Honour, who will pay similar compliments, will be furnished to the Lieutenant-Governors of Provinces on the opening and prorogation of the Provincial Legislatures, and the applications for such guards of honour must be made to the D. A. G. of the District, who will order them under this authority. Such guards are, if practicable, to be furnished, and salutes fired, by any permanent force of militia stationed at the place, or by the active militia in their absence.

Lieutenant-Governors entitled to a salute of 15 guns.

Par. 476, sets forth that at the opening and prorogation of the Dominion Parliament, the Governor-General is entitled to a salute of 19 guns, and the Lieutenant-Governors of Provinces, on the opening and closing of their Provincial Legislatures, to a salute of 15 guns.

POSTAGE.

All letters subject to postage.

Letters mailed by Members of the Legislative Assembly during a Session of the Legislature, and all letters from any of the Departments, are subject to the usual postage rates, the postage thereon being paid by the Province.

Letters must have name of sender on envelopes.

Members must initial or place their names upon the envelopes of such letters as they may send during the Session, so that the Postmaster may be satisfied of the genuine character of correspondence passing through the House Post Office. Letters not so distinguished are sent to the Dead Letter Office.

Envelopes covering Bills not to be sealed.

Members are requested not to close or seal envelopes in which Bills, etc., may be placed, as they will then be subject to letter rates. But Bills may be sent in an open envelope as free matter.

Printed matter mailed free.

All Papers printed by order of the Legislative Assembly may be sent, free of Canada postage, either singly or in packages, so put up that their contents may be known. Members sending them will mark them with their names.

Petitions, Addresses, etc., free.

Petitions and Addresses to the Provincial Legislature of any of the Provinces of the Dominion, or to any branch thereof, and also Votes and Proceedings, and other papers printed by order of any such Legislature, or any branch thereof, may pass free of Canada postage, under such regulations as the Postmaster-General may prescribe. This does not include the Statutes of the respective Provinces, nor is the privilege of carrying, free of postage, books to and from the Library of any Legislature, conceded to Members of a Provincial Legislature as it is to the Members of the House of Commons and Senate of the Dominion.

Statutes and Library Books subject to postage.

Departmental Reports delivered without charge in United States.

By a recent decision of the Post Office Department, Departmental Reports are allowed to pass free through Canadian territory to the United States, where, under the existing convention between Canada and the United States, they are delivered without charge.

Closing the mails.

When, during the Session, the House adjourns at or before six p.m., the Post Office closes at 9 p.m. When there is an evening Session, the mails are made up until 10.30 p.m.

STATIONERY.

On 16th Jan., 1871, the House *Resolved*: That in future a Sessional allowance of Stationery of the value of ten dollars, and no more, shall be delivered to each member at the opening of the Session, and that each member may select his own stationery.

This amount has been found to be insufficient, and the allowance of stationery now represents a value of fifteen dollars.

THE CLOTURE, OR CLOSURE.

The Cloture.

By Standing Order of the Imperial House of Commons, adopted 27th November, 1882, it was declared :

" That when it shall appear to Mr. Speaker, or to the Chairman of Ways and Means in a Committee of the Whole House, during any debate, that the subject has been adequately discussed, and that it is the evident sense of the House, or of the Committee, that the question be now put, he may so inform the House, or the Committee ; and if motion be made, 'That the question be now put,' Mr. Speaker, or the Chairman, shall forthwith put such question ; and, if the same be decided in the affirmative, the question under discussion shall be put forthwith : Provided that the question, 'That the question be now put,' shall not be decided in the affirmative, if a division be taken, unless it shall appear to have been supported by more than two hundred members, or unless it shall appear to have been opposed by less than forty members, and supported by more than one hundred members.

Must be supported by more than two hundred members ; but if opposed by less than forty must be supported by more than one hundred.

On the 18th March, 1887, the Imperial House of Commons adopted the following Standing Order, containing further provisions for the purpose of preventing obstruction to the business of that body :

That after a Question has been proposed, a Member rising in his place may claim to put "That the Question be now put," and unless it shall appear to the Chair that such motion is an abuse of the Rules of the House, or an infringement of the rights of the minority, the Question, " That the Question be now put," shall be put forthwith, and decided without amendment or debate.

When the Motion "That the Question be now put" has been carried, and the Question consequent thereon has been decided, any further motion may be made (the assent of the Chair as aforesaid not having been withheld) which may be requisite to bring to a decision any question already proposed from the Chair ; and also if a clause be then under

consideration, a motion may be made (the assent of the Chair as aforesaid not having been withheld), that the Question, "That certain words of the clause defined in the Motion stand part of the clause," or that the clause stand part of, or be added to the Bill, be now put, such motions shall be put forthwith, and decided without amendment or debate.

Provided always, That Questions for the Closure of Debate shall not be decided in the affirmative, if a Division be taken, unless it shall appear by the numbers declared from the Chair, that such motion was supported by more than two hundred members, or was opposed by less than forty members, and supported by more than one hundred members.

Provided always, That this Rule shall be put in force only when the Speaker or the Chairman of Ways and Means is in the Chair.

TITLE OF "HONOURABLE."

By a despatch to His Excellency the Governor-General, dated Downing Street, 24th July, 1868, the following regulations for use of the title "Honourable," were laid down for observance:

"In consequence of the Confederation of the British Provinces, some revision of the former usages there about titles has been necessary, and I have the honour to inform you that Her Majesty has been pleased to approve of the adoption of the following regulations:

Governor-General. 1st. The Governor-General of Canada to be styled "His Excellency."

Lieutenant-Governors. 2nd. The Lieutenant-Governors of the Provinces to be styled "His Honour."

Privy Councillors. 3rd. The Privy Councillors of Canada to be styled "Honourable," and for life.

Senators. 4th. Senators of Canada to be styled "Honourable," but only during office, and the title not to be continued afterwards.

Executive Councillors. 5th. Executive Councillors of the Provinces to be styled "Honourable," but only while in office, and the title not to be continued afterwards.

6th. Legislative Councillors in the Provinces not in future to have that title, but gentlemen who were Legislative Councillors at the time of the Union to retain the title "Honourable" for life. Legislative Councillors.

7th. The President of the Legislative Council in the Provinces to be styled "Honourable" during office. President of Legislative Councils.

8th. The Speakers of the Houses of Assembly in the Provinces to be styled "Honourable" during office. Speakers of Houses of Assembly.

LIBRARY.

The following Rules, for the management of the Library of the Legislative Assembly, were adopted 1st May, 1891, and supersede all former Rules:

Rules of the Library.

1. A proper catalogue of the books belonging to the Library shall be kept by the Librarian, or person in whom the custody and responsibility thereof shall be vested; and who shall be required to report to the House, through the Speaker at the opening of each Session, the actual state of the Library.

2. No person shall be entitled to resort to the Library during a Session of the Legislature, except the Lieutenant-Governor, the Members of the Executive Council and the Legislative Assembly, and the officers of the House, and such other persons as may receive a written order of admission from the Speaker of the House. Members may personally introduce strangers to the Library during the day-time, but not after the hour of six o'clock p.m.

3. During the Session of the Legislature, no books belonging to the Library shall be taken out of the building, except by the authority of the Speaker, or upon receipt given by a member of the House.

4. During the Session the Library shall be opened daily from 9 o'clock a.m. until 9 o'clock p.m., and should the House remain in session after such hour, the Library shall remain open until the House adjourns.

5. During the Recess of the Legislature, the Library shall be open every day in each week, Sundays and holidays excepted, from the hour of ten in the morning until four in the afternoon, and access to the Library shall be permitted to persons introduced by a member of the Legislature or admitted at the discretion of the Clerk or Librarian, subject to such regulations as may be deemed necessary for the security and preservation of the collection.

6. During the Recess of the Legislature no member of the House shall be at liberty to borrow or have in his possession at any one time, more than three works of the Library, or retain the same for a longer period than one month. No books of reference or books of special cost or value may be removed from the Seat of Government under any circumstances.

7. At the first meeting of the Library Committee in each Session of the Legislature, the Librarian shall report a list of books absent at the commencement of the Session, specifying the names of any persons who have retained the same in contravention of any of the foregoing Rules.

8. During the Recess such books may be taken out of the Library by the Lieutenant-Governor, Members of Executive, the Speaker and Deputy Heads of Departments as may be required by them; and one volume at a time may be taken out by members of the Civil Service and by such other persons as may be named to the Librarian by a member of the Library Committee or Executive Council, and a receipt shall be given to the Librarian by each such person taking out a book.

9. The following shall be deemed Books of Reference:—All books in the Law Department, Dictionaries, Encyclopædias, Manuals, Directories, Archives, Newspapers, Maps, Engravings, Pamphlet Volumes, Unbound Magazines, and books which are valuable on account of their cost, rarity or antiquity.

10. Any person wishing to obtain any book for perusal and reference in the Library must first make his selection from the catalogue and then

apply for it at the desk of the Librarian. The books thus received must not be taken from the Library, but be returned to the Librarian's desk, otherwise the person shall remain responsible for the books.

11. The Librarian shall exercise a proper discrimination as to the delivery of such books as he may judge liable to be injured. Manuscripts, rare and valuable books and plates are excluded from this rule; they will be shown only on special application to the Librarian and under such regulations as the circumstances of each case may in his judgment require.

12. No person, except the Librarian or his assistants, shall be permitted to take from any case or shelf or replace therein or thereon, any book, map, or other publication.

13. No book shall be taken from the Library until its title and the name of the person taking it have been registered by the Librarian, and a receipt must be given by the person taking the book. No public officer or other person privileged to draw books, shall extend the privilege to others, or take books from the Library for the purpose of loaning them to others.

14. Any person taking any book, map, or other publication from the Library, shall be liable for all damages done thereto, while in his or her posses sion, which damage shall be assessed by the Librarian, and paid to him by the person taking such book, map or other publication. The leaves of books must not be turned down and no marks with ink or pencil on the margin or elsewhere will be permitted under the penalty aforesaid.

15. The Librarian or his assistant shall carefully examine each book returned, and if found to have sustained any injury or to have been rendered of less value by being soiled or written in, he shall require the person to whom the same was delivered, to pay the amount of damage or injury done, or otherwise to procure a new copy of equal value, and in the latter case such person shall be entitled to the damaged copy on depositing a new one.

16. No person who may be privileged by card from the Speaker of the House to borrow books from the Library, shall be allowed to have in his possession more than one book at any time, or to retain the same longer than two weeks, and all such persons shall return the books so taken when required by the Librarian.

17. All books on loan during the recess of the Legislature excepting such as may be required by the Lieutenant-Governor, Members of the Executive and the Legislative Assembly, the Speaker and the Deputy Heads of Departments, shall be returned at least ten days before the opening of the House. Should the order not be complied with, the person so offending shall forfeit all privileges to the Library.

18. If on notice to any person that the time for which any book has been drawn from the Library by such person has expired, or if any person shall have in his or her possession any book or other article belonging to the Library, and shall neglect to return such book or other article to the Library for more than three days after such notice, such person shall be liable to pay for such book or books a sum equal to the value of such book or books or other article, which value shall be estimated at the cost of replacing the same.

19 On Sundays during the Session, the Library shall be opened to Members only.

20. Smoking or spitting on the floor or carpet shall not be permitted in any of the Library apartments.

21. A blank book shall be kept on a table or stand accessible to readers, in which may be entered the titles of any books which it may be deemed advisable to procure for the use of the Library.

TABLE OF PRECEDENCE IN CANADA.

The following official table of precedence, for use in Canada, was transmitted by the Queen's Command to the Governor-General of Canada, July 23rd, 1868, and published in the Dominion *Official Gazette*:

1. The Governor-General or officer administering the Government. — Governor-General.

2. The senior official in command of the troops, if of the rank of General, and the officer in command of Her Majesty's naval forces on the station, if of the rank of Admiral, their own relative rank being determined by the Queen's Regulations on that subject. — A General or Admiral.

3, 4, 5, 6. The Lieutenant-Governors of the several Provinces of Ontario, of Quebec, of Nova Scotia, and of New Brunswick (and in their appropriate order, the Lieutenant-Governors of Provinces afterwards added to the Dominion). — Lieut.-Governors.

7. Archbishops and Bishops, according to seniority (of consecration). — Archbishops and Bishops.

8. Members of Cabinet, according to seniority. — Members of Cabinet.

9. The Speaker of the Senate. — Speaker of Senate.

9*a*. The Chief Justice of the Supreme Court. — Chief Justice of Supreme Court.

10. The Chief Judges of the Courts of Law and Equity, according to seniority. — Chief Judges.

11. Members of the Privy Council not of the Cabinet. — Members of Privy Council.

12. General Officers of Her Majesty's Army serving in the Dominion, and Officers of the rank of Admiral in the Royal Navy, serving on the British North American Station, and being in the chief command; the relative rank of such Officers to be determined by the Queen's regulations. — General and Admiral serving in Dominion or on British North American Station.

13. The senior officer in command of the troops, if of the rank of Colonel or Lieutenant-Colonel, and the officer in command of Her Majesty's Naval — Senior officer of troops and of the navy.

Forces on the Station, if of equivalent rank ; their own relative rank being determined by the Queen's Regulations.

Members of Senate. 14. Members of the Senate.

Speaker H. of C. 15. Speaker of the House of Commons.

Puisne Judges Supreme Court. 15*a*. Puisne Judges of the Supreme Court.

Puisne Judges of Courts of Law and Equity. 16. Puisne Judges of the Courts of Law and Equity, according to seniority.

Members House of Commons. 17. Members of the House of Commons.

Executive Council of Province. 18. Members of the Executive Council (Provincial), within their Province.

Speaker of Legislative Council. 19. Speaker of the Legislative Council, within his Province.

Members Legislative Council. 20. Members of the Legislative Council, within their Province.

Speaker Legislative Assembly. 21. Speaker of the Legislative Assembly, within his Province.

Members of Legislative Assembly. 22. Members of the Legislative Assembly, within their Province.

Revised regulations as to title. Her Majesty approved of the adoption of revised regulations in respect to the style and title to be used by the following persons :

Governor-General. The Governor-General of Canada to be styled " His Excellency."

Lieut.-Governor. The Lieutenant-Governor of the Province, to be styled " His Honour."

Privy Councillors. The Privy Councillors of Canada to be styled " Honourable," and for life.

Senators. Senators of Canada, Executive Councillors of the Provinces, the Presidents of the Legislative Councils, and the Speakers of the Houses of Assembly in the Provinces to be severally styled " Honourable,"

but only during office, and the title not to be continued afterwards.

Gentlemen who were Legislative Councillors at the time of the union are permitted to retain their title of "Honourable" for life, but Legislative Councillors in the Province are not in future to have that title.

DECISIONS OF MR. SPEAKER.

Upon the correct interpretation of the Rules of Order by which the Legislative Assembly is governed, and the prompt and clear exposition of the numerous precedents which form the larger part of Parliamentary law, depends the successful accomplishment of the work submitted to it. There are unforeseen combinations of circumstances cropping up in nearly every Session, which are scarcely amenable to mere rule, and can find solution only in the Practice of the legislative bodies of Canada or Great Britain Rule 113 of the Assembly of Ontario, similar to one adopted in the Canadian House of Commons, and a Rule of the Old Canadian Parliament, which says that: "in all unprovided cases, the rules, usages and forms of the United Kingdom of Great Britain and Ireland, as in force at the time shall be followed," evidently indicate a recognition of difficulties which cannot be provided for in advance, and must be solved by the larger and wider experience of an older country. But it is advisable that, in as far as possible, the proceedings in any legislative body shall be governed by its own Practices and Precedents. In Ontario these are embodied, to a considerable extent, in the Decisions of the Speakers, who, since Confederation, have occupied the chair of the Legislative Assembly. Easy reference to them, when points of order suddenly arise during debate, will add eminently to their value, and it has been deemed advisable, for that purpose, to collect them from the Journals over which they are scattered, and publish them in collected and readily accessible form. In the following pages, close adherence to the language of the Journals has been maintained where

thought necessary for a clearer elucidation of the Decision, and in nearly every instance a full history of each case may be found.

Hon. J. Stevenson.

JOHN STEVENSON, Esq., Lennox, was the first Speaker elected in the Legislative Assembly, and was called to the Chair 27th December, 1867.

On 10th February, 1868 (page 52 of Journals), he gave his first decision.

A change of names, by Private Bills Committee, in the Preamble of a Private Bill; is in order.

A Private Bill was introduced for the incorporation of the Erie and Niagara Railway Company, which was duly reported by the Committees on Standing Orders and Railways, and amended in the Railway Committee, in the Preamble, by a change of names of Promoters. Exception was taken to these amendments as in excess of the prayer of the Petition on which it was based The Speaker decided: That as it was manifest that the object of the Petitioners was to obtain authority to build a Railway, the change of some of the names in the Preamble did not, in his opinion, require that the Bill should be referred back to the Committee on Standing Orders.

An Amendment, differing in form, but identical in purport with an Amendment already rejected, cannot be entertained.

On 25th November, 1868 (page 39), the second reading of Bill (No. 24), To alter the law of Dower, etc., was considered in Committee of the Whole, and reported with amendments. On motion for reception of Report, Mr. Blake moved, "that the Report be not now received, but that it be referred back to Committee of the Whole, with instructions to amend the Bill by expunging so much thereof as destroys the right of Dower in cases in which Dower is by law recoverable." This was put and lost, when Mr. Blake moved that the Report be referred back with instruction to amend the Bill by providing "that so much thereof as destroys the right of Dower, in cases in which Dower is now recoverable, shall not affect existing rights." Objection was taken by Attorney-General Macdonald that the amendment was identical in purpose with the previous amendment already declared lost, and could not therefore be properly received. Mr. Speaker decided: The latter amendment, although differing in construction, is identical

in matter with the former, and cannot, therefore, I think, be received.

An amendment to a substantive motion striking out all but the word "That," and on a cognate subject, in order.

On December 2nd, 1868 (page 40), it was moved: That in the opinion of this House, it is necessary and expedient, in the interests of Collegiate Education, that some comprehensive scheme be devised and adopted for giving effect to the objects, and for extending the operation of the Act, 16 Vict. cap. 89, in the establishment of a Provincial University, and the affiliation of Colleges to be supported in connection therewith. In amendment it was moved: that all the words after "That" in the original resolution be struck out and the following be inserted in lieu thereof: "While the House recognizes the importance of educational interests it is still of opinion (as expressed by the Act of last Session,) that no College or educational institution under the control of any Religious Denomination shall receive aid from the Public Treasury." Objection was taken that the amendment contained matter irrelevant to the original motion, and could not therefore be properly received. The Speaker decided as follows: The amendment is, I think, in order, and ought to be received.

An amendment on Third Reading identical with one rejected on reception of Report of Committee of the Whole declared out of order.

On December 3rd, 1868 (page 45), it was moved that the Report of Committee of the Whole on Bill (No. 51), be adopted. It was moved, in amendment: That the Report be not now received, but that it be referred back to a Committee of the Whole for the purpose of expunging from the tenth and twenty-second sections of the Act, so much as provides for the re-uniting of the City of Toronto and the County of York for Judicial purposes. This was lost on a division. On December 8th (page 52), on the motion that Bill (No. 51) be read a third time, it was moved in amendment that it be referred back to Committee with instructions to amend "by expunging so much of section ten and twenty-two as provides for the re-union of the City of Toronto with the County of York for Judicial purposes." The Attorney-General objected that the amendment was identical in purpose with that upon which the House had already expressed an opinion, and which could not, there-

fore, be properly received, and Mr. Speaker decided that: The amendment is not in order and cannot be received.

The House decides that when in Committee of the Whole on a Bill, the first section must be first considered.

On 9th December, 1868, (page 59), the House went into Committee on Bill (No. 88), To provide for the establishment and government of Central District Prisons, when Attorney-General Macdonald moved consideration of the second section of the Bill. Objection was taken by Mr. Blake to the consideration of the second section before the first section had been considered, contending that the Bill must be considered section by section as numbered. The Chairman ruled that the first section should be first considered. An appeal was made to Mr. Speaker, who decided: That the second section may be considered first. An appeal from the decision of the Speaker, was made and sustained by a vote of 33 to 29. The House went again into Committee, when the Attorney-General moved the consideration of the first section, and objection was then taken to its consideration as it involved the expenditure of money which had not been recommended by the Crown or considered in Committee of the Whole prior to the introduction of the Bill. The Chairman decided that the consideration of the section was in order, as applying to charges to be hereafter provided for by vote in Committee of Supply.

A section of a Bill providing for expenditure of public moneys in order if applying to charges to be provided for in Supply.

On 14th December, 1868, (pages 66 and 67). Mr. McDougall, moved:

As timber yields revenue, no question as to the disposal of it can be entertained, without the recommendation of the Lieutenant-Governor.

1. That with a view to attract immigration into this Province it is expedient to provide, that, on and after the first day of April, immediately subsequent to settlement on any lot, the regulations of the Government having been complied with, the locatee of such lot should have the right to cut and dispose of the timber on it, free from any Governmental charges.

2. That the right to cut pine or timber berths during at least ten years, should, subject to the foreing resolution, be given to the license holders, under such charges for ground rent, duty, etc., and such other provisions as may be made by the Government of this Province.

And objection having been taken by Hon. Attorney-General Macdonald, that the motion could not be entertained without the recommendation of the Lieutenant-Governor having been previously obtained,

Mr. Speaker decided: That, as timber affords revenue, no question as to the disposal of the same can be entertained without the approval of the Lieutenant-Governor having been previously obtained.

An appeal was made against the decision of Mr. Speaker, and the Speaker's decision was sustained by a vote of 40 to 28.

A proposal for the free distribution of Statutes to Magistrates regarded as a charge on the Revenue.

On 14th Dec., 1868 (page 67), it was moved that, in the opinion of the House, it is expedient that the Statutes enacted by this House be furnished, free of charge, to all Magistrates who are duly qualified. Objection was taken by Attorney-General Macdonald that the motion, as it affected revenue, could not be entertained. The Speaker decided that the motion was out of order.

Motion seeking to interfere with collection of Revenue from Crown Lands objected to.

On 17th Dec., 1868 (page 73), Mr. Lauder moved a lengthy resolution of which the gist was that it is not expedient to issue a general order directing payment of arrears upon Crown Lands until a revaluation is made. The Commissioner of Crown Lands objected to the notice as affecting Revenue, and the Speaker reserved his decision.

An arrangement made by the House tantamount to an order.

On 12th Jan., 1869 (page 97), during a debate on a Resolution from Committee of Supply, objection was taken by Mr. Ferguson to words spoken by Mr. Blake in debate, as not having reference to the Resolution before the House, and as therefore out of order. Mr. Speaker decided: That as an arrangement had been made, with the leave of the House, that Mr. Blake might, when this resolution came up, speak on the general policy of the Executive, Mr. Blake was in order.

An indefinite Amendment, and one not conveying accurate

On 19th Jan., 1869 (page 113), a motion was made to recommit Bill (No 90), respecting Tavern and Shop Licenses, for the purpose of inserting the following amendment: "By striking out all that denies an appeal from prosecutions and

instructions to a Committee cannot be entertained.

convictions under said Bill to and before the Chairman of the Quarter Sessions, as set forth in section thirty-six." Objection was taken, and Mr. Speaker decided: That the amendment is not in order, as being indefinite, and not conveying accurate instructions to the Committee as to the particular amendments to be made, and cannot therefore be entertained.

An Amendment similar in wording, but differing in fact from one rejected in order.

Another amendment was proposed, reading: "By striking out all the words after 'Act' in the fourth line to the word 'may' in the sixth line of the thirty-sixth section," and objection was taken, when the Speaker decided: That the amendment, although similar in wording, differs in fact from the previous motion, and is in order, and may therefore be entertained.

No Petition can be received praying for a grant not previously recommended by the Crown.

On 9th Nov., 1869 (page 14), objection was taken to the reception of a Petition from the Huron and Ontario Ship Canal Company, inasmuch as it had no definite prayer, and sought, if anything, a grant from the Crown without previous recommendation from the Lieutenant-Governor. The Speaker decided as follows: This Petition cannot be received, so long as the Rule of this House remains in force, whereby no Petition can be received praying for a grant not previously recommended by the Crown. The decision was appealed against, but sustained by a vote of 46 to 13.

A Bill to Amend the Ontario Medical Act declared to be a Public Bill.

On 8th Dec., 1869 (page 81), the Order of the Day for the second reading of Bill (No. 97), to amend the Ontario Medical Act having been read, objection was taken that the Bill was of the nature of a Private Bill and required Notices. The Speaker reserved his decision, but on 13th Dec. (page 88), declared the Bill to be of a public nature: whereupon the Bill was read a second time, and referred to a Select Committee.

A Bill to make the Benchers of the Law Society elective by the Bar thereof declared to

On 16th Dec., 1869 (page 107), the Order of the Day for the Second Reading of Bill (No. 80) to make the Benchers of the Law Society elective by the Bar thereof, having been read, objection was taken to the Bill as of the nature of a Private Bill and requiring Notices. The Speaker decided: That

the Bill was of a private nature and could not be otherwise entertained: whereupon the order was discharged and the Bill withdrawn. be a Private Bill.

On 22nd Dec., 1869 (page 152), a motion was made to receive the Report of the Whole on a Bill to amend the Assessment Act. A division was had and objection was taken to the votes of certain honourable gentlemen on the ground that they had a direct pecuniary interest in the matter before the House, and were, therefore, not entitled to vote. The Speaker decided: That the Bill before the House was of a public nature, and not such as was contemplated by Rule 16 of the House. Votes of certain Members on an Assessment Bill objected to because supposed to have pecuniary interests therein.

On 22nd Dec., 1869 (page 157), objection was taken to a proposition to strike out a clause of a Private Bill, on the Third Reading, because no Notice had been given of such Amendment. Mr. Speaker decided: That so important an Amendment could not be entertained without previous notice given. Notice must be given of proposed Amendment to Private Bill.

A further Amendment was proposed to omit certain words from said Bill and insert others, when Mr. Speaker decided that the Amendment was not in order for want of Notice.

On 27th Jan., 1871 (page 86), objection was taken to further consideration of Bill (No. 20), to regulate the Sale of Poisons, and respecting Chemists, Druggists and Apothecaries, as interfering with the Regulation of Trade and Commerce, and therefore beyond the powers of the Provincial Legislature, as prescribed by the B.N.A. Act, 1867. The Speaker decided: That the regulations for the sale of the articles named in the Bill were not of such a nature as to exceed the powers of the Provincial Legislature. The regulation of the Sale of Poisons within the powers of a Provincial Legislature.

On 8th Feb., 1871 (page 133), the House resolved itself into Committee to consider Bill (No. 51) to amend the Assessment Act, and, after some time spent therein, the Committee rose without reporting, and the Speaker resumed the chair. On Feb. 9th (page 137), it was moved: That this House will at its next sitting to-day again resolve itself into a Committee to consider Bill (No. 51), and objection was taken by the Attorney-General, inasmuch as the The fact of a Committee of the Whole upon a Bill having risen without reporting does not prevent a motion for replacing

the measure upon the Orders of the Day.

Committee to whom the Bill had been referred had risen without reporting, and that it was contrary to precedent that the Bill shall again appear on the order paper. The Speaker reserved his decision. On 10th Feb. (page 138), the Speaker announced his decision as follows: The question, whether the fact of a Committee having risen without reporting forbids a motion to replace the measure on the Order Book to be entertained, does not appear to have been tested in Canada, and there is not any Rule of this House specially applicable to the case. But No. 102 of the Rules of this House provides that, in all unprovided cases, the rules, usages and forms of the House of Commons of Great Britain and Ireland shall be followed, and I find that the House of Commons does not admit that the fact of a Committee having risen without reporting is sufficient to take the Bill out of the control of the House. I therefore decide that the motion of the member for South Perth is in order, and that it is competent for this House to order that the Bill be replaced on the Order Book, in its proper place.

It was therefore *Resolved*, that this House will, at its next sitting to-day, again resolve itself into a Committee to consider Bill (No. 51), to amend the Assessment Act of Ontario.

Other instances of Committee rising without Report.

It may be interesting to note at this point that on 20th Feb., 1868, Bill (No. 10), was under consideration in Committee of the Whole, when the motion was made "that the Committee do now rise," which was carried on a division. No further action, with respect to the Bill, was taken.

On 2nd March, 1868, Bill (No. 92) was being considered in Committee of Whole, when the Committee rose without reporting, and the Bill was not further proceeded with.

On 9th Feb., 1871, the day before the Speaker gave his decision relative to Bill (No. 51), the House went into Committee on Bill (No. 124) for Preventing Corrupt Practices at Municipal Elections, and rose without report. The Bill did not go further.

On 28th March, 1873, the House was in Committee on Bill (No. 10), respecting the seizure and attach-

ment of Equitable Interests, and failed to report. The Bill was allowed to drop.

On 4th March, 1881, the House considered Bill (No. 131), respecting Market Fees, and failed to report, and the Bill fell through.

On 31st Jan., 1883, the House, in Committee, considered Bill (No. 25), to amend the Synod and Rectory Sales Acts affecting the Diocese of Toronto, and rose without reporting. The Bill was not proceeded with.

On 24th March, 1884, the House resolved itself into Committee on Bill (No. 186), respecting the Study or Anatomy, but did not report. No attempt was made to revive the Bill.

HON. RICHARD WILLIAM SCOTT, Ottawa, was elected Speaker of the Second Legislature, 7th December, 1871. Hon. R. W. Scott.

On 11th Dec, 1871 (page 18), on the motion for an Address in reply to the Speech from the Throne, Mr. Blake moved an amendment seeking to add further words to the first paragraph, and declaring it inexpedient to place so large a sum as $1,500,000 at the disposition of the Executive without a vote of this House appropriating the same to particular railway works. Mr. McCall moved that the following words be added to the proposed amendment: "That, inasmuch as one-tenth of the Constituencies of this Province remain at this time unrepresented in this House by reason of six of the members elected at the last election, having had their elections declared void, and a seventh having become vacant by reason of a double return, and an eighth by reason of the resignation of the member elect thereto, *it is inexpedient further to consider the said amendment*, until the said Constituencies are duly represented on the floor of this House." This was obviously out of order, as being defective in form and incongruous. But no exception was taken to it, on the ground of defective form, and it was voted down. The first paragraph of the address was amended by the addition of Mr. Blake's amendment, and when the paragraph was

An Amendment of the same purport as one already rejected cannot be put.

put as amended, Mr. Mackenzie moved that the following words be added thereto: "And we inform your Excellency that we have no confidence in a Ministry which is attempting to carry out, in reference to the control of the said fund of $1,500,000, an usurpation fraught with danger to public liberty and Constitutional Government." Mr. Macdonald, of Leeds (page 24), offered an amendment to this proposed Amendment, which repeated the whole of the words contained in Mr. McCall's rejected Amendment from the beginning thereof to and inclusive of the words "elected thereto," and then introduced the following new matter: "And that, inasmuch as the Government has declared that the Railway Fund is intact, and that it will not, *in consideration of the opinion expressed by this House in passing the said Amendment*, make any appropriation from the said fund without the same having been first submitted to Parliament, it is unfair to consider any motion declaring a want of confidence in your Excellency's present advisers, until the said Constituencies are duly represented in this House." No exception was taken to the words placed here in italics, although they would have been obviously incompatible with the amended paragraph, if adopted, and defective in form, but Mr. Speaker declared that the motion was in purport with one on which, during the present debate, the House had expressed its opinion, and that it would be irregular now again to submit this motion.

Hon. James George Currie.

HON. JAMES GEORGE CURRIE, Welland, was elected Speaker 21st December, 1871.

A motion must correspond with its notice.

On 25th Jan., 1872 (page 66), a motion was made for a Select Committee, and objection was taken thereto, and the Speaker decided: That the motion was not in order, inasmuch as it did not correspond with the notice of motion given by the Member who now introduced it.

A Bill to unite the County of Perth for

On the 16th February, 1872 (page 159) a motion was made for leave to introduce a Bill intituled "An Act to unite the County of Perth for Regis

tration purposes," and objection was taken to the Bill as being of the nature of a Private Bill. The Speaker decided: That the Bill was a Private Bill, and had not been properly introduced by notice or petition. An Act of a similar character, 27 Vict., chap 35, had been introduced and passed as a Private Bill. An appeal was made against the decision of the Speaker, but his decision was sustained by the House.

registration purposes declared to be a Private Bill.

On 24th Feb., 1872 (page 210), on a motion that a report of Committee on resolutions respecting remissions to settlers in certain free grant townships be now received, it was moved in amendment, "That the report be not now received, but that the resolution be referred to a Committee of the Whole, with instructions to amend the same by striking out of the first resolution the words 'save and except the townships of Alice, Gratton, Wilberforce and Minden.'" The Speaker decided: That the Amendment could not be entertained as it involved the necessity of an expenditure of public money without the approval of His Excellency the Lieutenant-Governor having been obtained.

An Amendment involving the necessity of expenditure of public money cannot be entertained.

On 28th Feb., 1872 (page 152), on the Order of the Day for receiving report of Committee of Whole on Bill (No. 152) To make further provision in aid of Railways, an amendment was moved to refer the Bill back for the purpose of providing that the Railway Aid and Subsidy Fund be so distributed as to do justice to the municipalities which have already voted large bonuses without knowledge that such fund was to be created. The Speaker decided that the Amendment was not in order, inasmuch as, if carried, the grant of money recommended by His Excellency the Lieutenant-Governor would be applied to purposes not contemplated by the resolution, to which the approval of His Excellency was announced.

An Amendment which diverts public money from purposes recommended by the Crown cannot be passed.

On 20th Jan., 1873 (page 38), leave was asked to introduce a Bill entitled "An Act to authorize a further expenditure of public money for Drainage Works" Objection was taken and the Speaker decided: That the Bill, as it necessitates an expen-

Bill authorizing expenditure of public moneys must have

approval of the Lieut.-Governor.

diture of public money, cannot be properly introduced until the approval of His Excellency the Lieutenant-Governor has been communicated to the House.

A Petition may be received which asks for Legislation prohibiting sale and use of intoxicating liquors.

On 21st Jan., 1873 (page 41), objection was taken to the reception of a petition praying for an Act prohibiting the manufacture and sale of intoxicating liquors, which petition seeks for legislation affecting trade and commerce, a subject solely within the powers of the Legislature of the Dominion of Canada. The Speaker decided: That there was no rule of the House infringed by the reception of the Petition; the power of the Ontario Legislature to interfere in the matter is not at present in question.

A Bill is in order which leaves the amount of salary in blank and does not impose a burden.

On 21st Jan., 1873 (page 44), the Order for the Second Reading of Bill (No. 17), Respecting the University of Toronto was read, when objection was taken to the Second Reading as it necessitates an expenditure of public money, to which expenditure the approval of His Excellency the Lieutenant-Governor was necessary. The Speaker decided: That, with reference to clause 51 no burden is thereby imposed or sought to be imposed on the consolidated revenue of the Province; and with reference to clause 52 the amount of salary to be granted is left a blank; therefore the Bill is in order.

A Bill to prohibit the sale of intoxicating liquor as a beverage not within the powers of the Legislature.

On 16th March, 1873 (page 219), the Order for Second Reading Bill (No. 174) To prohibit the sale of intoxicating liquors as a beverage in Ontario was read, and objection was taken to the Bill as interfering with trade and commerce The Speaker decided: I find that the powers of the Legislature of Ontario were limited by the 90th section of the British America Act, and I have unwillingly come to the conclusion that the House has not the power to pass the Bill now before it.

A Bill amended in Railway Committee objected to as containing provisions not

On 19th March, 1873 (page 263), The Order to go into Committee to consider Bill (No. 167) To amend the Act intituled An Act to incorporate the Fenelon Falls Railway Company was read, and objection was taken to the Bill as containing provisions not prayed for in the petition on which the

Bill is founded. Mr. Speaker reserved his decision. On the 20th March (page 297), the Speaker gave his decision as follows: It appears that the Bill (No. 167), as reported by the Committee on Railways, contains a section, inserted by that Committee, not sought for by the Petition, or embraced in the notice of application for the Act. I am of opinion that the proper course to pursue is to refer the Bill back to the Committee on Standing Orders to report as to the propriety of the suspension of Rule No. 57 in respect to the section or sections added to the Bill by the Committee on Railways, and for the House to proceed upon such report. On 21st March (page 297) the Standing Orders Committee reported that they had, as directed by the House, examined the notices of application for the said Act, the petition praying for amendments and the Bill founded thereon, and find that the Bill embraces amendments of which no notice was given to the parties interested therein, prior to the introduction of the said Bill, but, after consideration, recommend that the Rules of the House, so far as they affect the said amendments, be suspended. On 22nd March (page 307) objection was taken to the Report of the Committee on Standing Orders, and the Speaker decided: That the Order of the House to the Committee was, that the Bill was to be referred back to the Committee, with instructions to report to this House as to the propriety of the suspension of Rule No. 51, in respect to the sections added to the Bill by the Committee on Railways; and, the Committee, having strictly complied with the Order of the House, the Report is in order.

prayed for in petition is sent back to Committee on Standing Orders, and it is recommended by the Committee that with regard to such amendments, the Rules of the House be suspended.

RUPERT MEARSE WELLS, Esq., South Bruce, was elected Speaker 7th Jan., 1874.

On 9th Jan., 1874 (pages 10, 12), an Amendment was moved to the fifth paragraph of the Address, which, while declaring the willingness of the House to consider a general incorporation Act for benevolent and other societies, expressed regret that two Bills for the incorporation of the Loyal Orange Association, passed in the previous Session, had

Hon. R. M. Wells.

An Amendment substantially the same as one already debated upon and

disposed of cannot be submitted.

been reserved for the assent of the Governor-General An amendment to this proposed Amendment was moved which struck out all relative to the reservation of the Bill, and set forth, that we beg to assure your Excellency that in advising your Excellency's predecessor to reserve certain Bills for the special incorporation of Orange Societies for the signification of the pleasure of His Excellency the Governor-General, the Executive Council of this Province was justified by Constitutional usage. This was carried by a vote of 38 to 24. When the twelfth paragraph was read (page 12) an amendment was moved expressing regret that His Excellency was advised to reserve, for the consideration of His Excellency the Governor-General, two Bills passed by the House, after full discussion and due deliberation, for the incorporation of the Loyal Orange Association, "in place of advising His Excellency to sanction the same, and leave to His Excellency the Governor-General the responsibility, under the constitution, of disallowing such Bills." Objection was taken to this amendment, and the Speaker decided: That the amendment, being substantially the same as the motion made in amendment to the fifth paragraph of the Address, and which has already been debated by and decided on by the House, is out of order and cannot be entertained.

A Petition praying for a grant from the Public Treasury cannot be received.

On 14th January, 1874 (page 19), on a motion that a Petition of John Harris and others praying for a grant from the Public Treasury in aid of the St. Joseph's Hospital and Asylum at Guelph be now received and read, Mr. Speaker decided: That as the Petition asked for a grant of public money, without the consent from the Crown having been previously obtained and announced to this House, the Petition could not be received.

The Journals contain many instances of rejection of Petitions asking aid, but it will be unnecessary to quote them. Petitions of this character are frequently presented, but are not "read and received," so that their object is not stated in the Journals. They ought to be addressed to His Honour the Lieutenant-Governor in Council.

On 4th February, 1874 (page 31), a motion was made for an Address to the Lieutenant-Governor, praying for a statement showing the number of officers and servants in the employment of the Government in the Departments and House, when an amendment was moved for the addition of words asking for a similar return of employees of the Governments of the Dominion and of Quebec. Objection was taken to the amendment, and Mr. Speaker decided: That he could not assume that it was not within the power of the Government to furnish the information sought for in the amendment, and that it was therefore in order.

An Address for information relative to certain matters beyond the control of the Provincial Government ruled in order.

On 11th February, 1874 (page 47), a motion was made that the name of Mr. Merrick be added to the Standing Committee on Public Accounts. It was negatived on a division by 36 to 31. On 4th March (page 104), it was moved that the name of Hon. Mr. Fraser be placed on the Committee on Public Accounts, in the room of Hon. Attorney-General Mowat. On 5th March (page 107), it was moved in amendment that the words "and Mr. Merrick" be added after the word "Fraser." The Speaker decided: That the Amendment is out of order, as it is contrary to the usage and practice of the House that a question which had passed in the negative should again be proposed during the same Session. It was then moved in Amendment that the words "Mr. Hodgins and Mr. Meredith" be inserted in the motion after the word "Fraser." After some time, it was moved "That the question be now put." Mr. Speaker decided: That as the previous question cannot be put when an amendment is under consideration, the motion is out of order.

A question which has passed in the negative cannot be again proposed in the same Session.

Mr. Speaker decided that "the previous question" cannot be put when an amendment is under consideration.

The amendment was put and lost, and it was moved "That the Question be now put." It was moved "That this House do now adjourn." The motion for adjournment was put and lost, and the motion "That the Question be now put" was carried, when the original motion was put and carried.

The previous question.

On 11th March, 1874 (page 137), it was moved, "That, in the opinion of this House, it is expedient that provision be made by which municipalities

No important variation can be

made in the purposes for which a grant of money, recommended by the Crown, for a specific purpose, can be put, without a fresh recommendation.

entitled to payments under the Municipal Loan Fund Act of 1873 shall be permitted to extend their appropriations in accordance with the wishes of the ratepayers, as expressed through their councils, or by-laws, to be passed and approved of by them." Objection was taken that the motion was contrary to the express language of the *British North America Act* of 1867, section 54, and the Speaker reserved his decision, which he gave 23rd March (page 255). The Order of the Day having been read for resuming the debate on the proposed resolution and amendments, the Speaker said: The rule is perfectly clear that no important variation can be made in the purposes for which a grant of money, recommended by the Crown, has been made, without a fresh recommendation. By the English practice it is said to be possible to frame an abstract resolution on the subject of duties without going into Committee; but that is not regular. No attempt has been made in this resolution to frame it so as to take it out of the ordinary rule. I see no difference whatever between such an important change in the distribution of the fund as is now contemplated, and a resolution which would assume to appropriate any part of the public revenue. The one is just as objectionable in principle as the other, and the same reasoning as applicable to one as to the other throughout all the cases which I have consulted. But it is said that this resolution only proposes an abstract opinion. Sir Erskine May says that such resolutions have been allowed, but he proceeds to say that "they are objectionable, and being an evasion of a wholesome rule, are discouraged as much as possible." Mr. Todd says that "abstract resolutions in regard to particular branches of taxation have been submitted to the House by private members, but they have been uniformly resisted as being inexpedient and impolitic." These abstract resolutions are, in fact, growing more and more into disfavour in England, as tending to embarrass the executive, etc. The language of the 54th section of the British North America Act seems also to be more stringent than the rule in England.

Abstract resolutions in regard to particular branches of taxation inadvisable.

"It shall not be lawful for the House to adopt or pass any vote, resolution, address or Bill for the appropriation of any part of the public revenue, or of any tax or impost to any purpose that has not been first recommended," etc. But whatever might have been my own opinion upon this subject, I consider myself bound by a precedent which I find in the Journals of this House (1868, page 66). An abstract resolution was proposed affecting the revenue from timber. The Attorney-General, Macdonald, objected that it could not be entertained without the recommendation of His Excellency. A long discussion followed, in which the propriety of permitting abstract resolutions was fully discussed. The Speaker ruled against the resolution, and upon an appeal to the House his ruling was sustained. Believing, as I do, that there is in principle no difference between a resolution which proposes a grant of money, and one which proposes to apply a grant already made to an entirely different purpose from that recommended by the Crown, and finding an express decision not only by the Speaker but of the House itself against such motions, and finding also that abstract resolutions are so much condemned and discouraged in England, I cannot do otherwise than rule in favour of the objection.

A case in point.

On 12th March, 1874 (page 154, 155), an amendment was moved to the question that "Mr. Speaker do now leave the Chair," for the purpose of going into a Committee of Supply, when an amendment to the Amendment was proposed. Objection was taken and the Speaker decided: That the rule is well settled in this country that it is not in order to move an amendment to an Amendment to the motion to go into Supply. Mr. Speaker Smith gave two contradictory decisions upon the question, but Mr Speaker Wallbridge afterwards gave a more formal decision, expressly stating his opinion to be that, according to the English practice, only one amendment can be moved. But it is hardly accurate to say that only one amendment can, in England, be moved to a motion to go into Supply. It is true that, if the first amendment is lost, no further

It is not in order to move an amendment to an Amendment to the motion to go into a Committee of Supply.

amendment can be moved; but it is also true that, if the amendment is carried, further amendments can be moved. The reason why no further amendment can be moved when the first is negatived is, that the form of putting the question, "shall the words proposed to be left out stand part of the question" entirely precludes it. If that question is carried, the House has declared that the original question shall stand unaltered, and it is therefore irregular to propose any amendment. It must also be borne in mind that under no circumstances can an amendment to an amendment be moved in England until the first amendment has been carried, and so has become a substantive motion. I recognize the importance to the minority of having some one occasion—and going into Supply being the recognized time for stating grievances, is no doubt the most convenient time—when they may be permitted to offer, for the consideration of the House, a proposition, with the assurance that it shall not be superseded by an amendment. But it must be remembered that they have no such privilege in England, for no matter what the amendment may be, the question first put to the House is "That the Speaker do now leave the Chair." It is perfectly clear, therefore, that this rule, which has been adopted in this country, is not justified by Parliamentary practice in England. But the rule has been so firmly settled, so frequently acted upon, and so well recognized by all parties, and by all Parliaments in this country, that I cannot take upon myself the responsibility of reversing it, without an express resolution of this House, and I therefore hold the proposed amendment to the Amendment to be out of order.

Where there is no variation of the destination of a fund, and no change in the pur-

On 21st March, 1874 (page 240), on the Order of the Day for the consideration of the amendments made in Committee on Bill (No. 11), Respecting the Railway Fund and the Railway Subsidy Fund, having been read, Mr. Rykert took objections to the introduction of any clause in the Bill altering the

amount to be paid to any railway under Railway Subsidy Act, as follows:

poses for which it was originally intended, there is no necessity for a new recommendation.

1st. Because the Railway Subsidy Act having provided that no less than $120 or more than $240 per mile per annum shall be paid any railway company it is not competent for this House, by a subsequent Act, to insert a clause providing for the payment of any greater sum than $240 out of the said fund without a recommendation from the Crown.

2nd. That in no case can a motion or Act of Parliament interfere with the distribution of public money already voted, unless recommended by the Crown.

The Speaker decided: The rule, no doubt, is that no new duties can be imposed, nor can the public expenditure be increased, unless the same has been recommended by a message from His Excellency. In the present case there is no new duty imposed, nor is the public expenditure increased; but it is objected that the Bill proposes a material variation in the mode of distributing the public moneys from that which has been recommended. The cases cited from Laperriere's decisions, No. 50, 54, 112 and 161, are quite decisive upon that point; but they do not decide that a recommendation is necessary for the purpose of enabling Parliament to alter the mode of distributing the fund in the manner proposed by this Bill. In the present case two funds have been appropriated in aid of railways, one payable *en bloc*, the other by way of an annual payment for twenty years. This Bill merely proposes to declare what sum per mile, by way of an annual grant for twenty years, shall be equivalent to a present grant of $2,000 per mile, etc., and gives the Governor-in-Council power to pay out of either fund at his option. There is here no variation of the fund, no change in the purpose for which it was originally intended, and I, therefore, overrule the question of order.

A motion seeking to commit the House to a future expenditure of

On 11th December, 1874 (page 125), the House considered the fourth resolution for Committee of Supply, respecting Hospitals and Charities, when it was moved that the following words be added thereto: This House, while concurring in the Reso-

money, without recommendation of the Crown, out of order.

lution, desires to express the opinion that so long as the policy of granting Provincial aid to charitable institutions, of the character of those mentioned in the schedules to the "Charity Aid Act of 1874" continues, justice demands that such aid should not be confined to the institutions mentioned in the said schedules, but that it should be extended to other institutions of the like character and usefulness, which have come into existence since the passing of the Act.

Objection was made to the motion as being out of order, on the ground that it contemplates a further grant of public money without the consent of the Crown; but no exception was taken to the expressed concurrence of the House in the Resolution, on the ground that it partook of the character of the Previous Question.

The Speaker decided: That this Motion seeks to commit the House to a future expenditure of public money. There are in the Journals numerous instances of abstract resolutions of this sort, but the current of modern decision has been against them. MAY says that such resolutions have grown into disfavour, and should be discouraged. I feel bound to follow my decision of last Session upon this subject, following a decision confirmed by this House upon appeal in 1869 as to Crown Timber dues. The effect of these decisions is practically to put an end to abstract resolutions of this character, and I therefore feel bound to rule this Motion out of order.

Notice must be given of Amendments to a Private Bill.

On 27th January, 1876 (page 184), on the Motion for Third Reading of a Private Bill, an important Amendment was moved, of which no notice had been given. Objection was taken thereto and the Speaker decided: That the Amendment was not in order, the notice required by Rule 67 not having been given.

A Bill seeking to fix the date for meeting of the Legislature declared to

On 3rd February, 1876 (page 210), the Order of the Day for the Second Reading of Bill (No. 147), to fix and declare the period for the annual meeting of the Legislative Assembly of Ontario having been read, the Hon. Mr. Fraser took exception to

the Bill on the ground that it was unconstitutional, and the Speaker decided: That the Bill interfered with the Prerogative of the Crown, and could not be proceeded with. be an interference with Prerogative of the Crown

On 7th February, 1876 (page 228), on the Order for Third Reading of Bill (No. 158), to amend the law respecting the sale of Fermented or Spirituous Liquors, it was moved that the following words be added to the Motion: That this House cannot help expressing regret that the Lieutenant-Governor has not been advised to recommend to the House that, as the issue of licenses is by the Bill restricted, and the revenue of the Municipalities thereby lessened, the whole amount payable for licenses, less the expenses incurred by the Government in respect thereof, should be paid by the Government to the Treasurers of the Municipalities for the use of such Municipalities. The Speaker decided that it was out of order. An Amendment seeking to divert Public Revenue out of order.

On 14th February, 1877 (page 141), upon the reading of the fiftieth Resolution respecting Unforeseen and Unprovided Expenses, it was moved in amendment "that the sum be reduced to seventy thousand dollars, so that the large sum of fifty thousand dollars may not be left to be expended at the sole discretion of the Executive Government." It was moved in amendment "that all the words after the word 'That' be struck out and the following substituted therefor: 'this House is of opinion that the experience of former Governments of this Province shows that the sum now to be granted is required by the Public Service, and that the said Resolution be concurred in.'" Objection was taken to the Amendment by the Hon. Mr. Cameron as merely affirming the original Motion. The Speaker decided: Referring to a case which occurred in 1873, when, upon a Motion for the Third Reading of a Bill, an amendment to an Amendment was moved concluding with the words "and that the Bill be now read a third time," he decided that if such an Amendment were carried it would preclude all further Amendments. Such a Motion differed in no way from "the previous question," and even that An amendment to an Amendment concluding with the words "that the said Resolution be now concurred in," out of order, as partaking of the character of "the previous question."

Motion could not be moved upon an Amendment. Mr. Cameron's objection must therefore prevail.

Although the decision of Mr. Speaker was not objected to by the House, the Practice of the Assembly, both before and since it was given, has been in direct opposition to it. As illustrations of this, see Journals for following years, and at pages specified: 1878, pages 145, 150, 151, 153, 158; 1879, pages 169, 184, 194, 195, 197, 198; 1880, pages 139, 153, 157; 1881, pages 155, 159; 1883, pages 119, 133; 1885, pages 137, 156, 157, 158; 1887, page 138; 1886, page 154; 1893, page 184.

An Amendment which declares some principle adverse to the measure, or is otherwise opposed to its progress, may be moved to the Third Reading of a Bill.

On 15th February, 1877 (page 14), on the Motion for Third Reading of Bill (No. 103), to give the right of voting to Farmers' Sons in certain cases, an Amendment was proposed to strike out all the words after the word "That" and to substitute others, declaring that to confer the privilege of the franchise upon them, solely in right of their father's property, would be to confer special privileges upon them The question of order was raised that no Amendment could be moved to the Third Reading of a Bill except an Amendment relating to time. The House had ordered the Bill to be read the third time to-day, and no question touching the merits of the Bill could now be raised. Mr. Speaker referred to MAY, page 487, and decided: That it is competent for any Member who desires to place on record any special reasons for not agreeing to the Second or Third Reading of a Bill, to move as an Amendment to the question a Resolution declaratory of some principle adverse to or differing from the principle of the Bill, or otherwise opposed to its progress. There are numerous modern instances of such amendments, therefore the Amendment is in order

It is in order for the House to refer to the Committee on Standing Orders a Bill amended

On 19th February, 1877 (page 149), on the Order of the Day for the House to resolve itself into a Committee on Bill (No. 53), respecting the Street Railway Company, the Hon. Mr. Fraser took objection to the Bill as containing conditions in excess of the original notices, and asked Mr Speaker to refer the Bill back to the Committee on Standing Orders,

for the purpose of reporting as to the sufficiency of the notice. The Speaker doubted whether he had power to make an arbitrary order of that sort. But, even if his power were undoubted, he would hesitate to exercise it at this late period of the Session, unless forced upon him by clear and distinct authority. He should prefer to follow the course adopted in a case which is reported in the Journals of Canada, 1865 (page 242); where, upon a similar objection being taken, it was, by direction of the Speaker, moved as an Amendment: That the Bill be referred back to the Committee on Standing Orders, with instructions to report, etc. That is also the course adopted in many other cases reported in the Journals. In this way the matter is fully discussed and the House has no difficulty in arriving at an intelligent decision. It is open to any Member to make a similar Motion in the present case by way of Amendment to the Motion which has been put from the Chair.

In Committee on Private Bills.

An Amendment to the effect suggested was put and lost.

On 22nd February, 1877 (page 160), the House resolved to go into Committee to-morrow on certain proposed Resolutions relating to a Railway Subsidy Fund. The Hon. Mr. Cameron proceeding to speak to the Resolutions, an objection was taken, and the Speaker decided: That if any Motion be made in the House involving a charge upon the people, the debate shall not be presently entered upon, but shall be adjourned until a future day.

Debate upon a Motion involving a charge upon the people cannot be presently entered upon.

On 27th February, 1877 (page 174), on resumption of debate on Resolutions respecting Railway Aid, it was moved in Amendment of Motion to agree that the following be added thereto: "This House regrets that the Government has not recommended for the consideration of the people's representatives the expediency of granting further aid to the Toronto, Grey & Bruce Railway, in respect of the portion of the line between Weston and Orangeville, which portion has not heretofore received Government aid."

Abstract Resolutions upo matters affecting the Revenue are of doubtful propriety.

The Speaker said that this was an Abstract Resolution, tending to an appropriation of part of the Pub-

lic Revenue. The question of the right of private members to move abstract resolutions of a certain character seems to have been decided in a case reported in this House, 1868-9, p. 67, when a Motion that it was expedient to attract immigration into this Province by granting certain privileges as to cutting and disposing of timber was ruled out of order, not only by the Speaker, but, on appeal, by the House. By a reference to the *Globe* report, it will be found that the question of Abstract Resolutions upon matters affecting the Revenue was fully discussed. See also 7 Jour. *Ont.*, 255; 8 *ibid*, 125; see also 1 *Todd*, p. 252, *May*, p. 585; 161 *Hans*, 1448; 205 *ibid*, 394. The form of the present Motion—expressing regret, etc.,—differs from those referred to, and perhaps involves other considerations. At all events, the matter was of so much importance, that, with the permission of the House, he would postpone further consideration of it until the Third Reading of the Bill, when the same Amendment could be moved.*

An Amendment of which no notice has been given cannot be made in a Private Bill on its Third Reading.

On 12th February, 1877 (page 128), the Order of the Day for the Third Reading of Bill (No. 42), respecting the Credit Valley Railway Company having been read, it was sought to amend by adding certain words to a clause therein. Objection was taken that the proposed Amendment was irregular for want of notice. The Speaker decided: That as no notice had been given, he sustained the objection.

An amendment identical with one already disposed of out of order.

On 6th March, 1878 (page 156), the Speaker ruled a proposed amendment out of order as identical with a question upon which the House had, during the Session, pronounced an opinion.

Upon the Second or Third Reading of a Bill, amendments may be moved declara-

On 12th February, 1878 (page 79-80), the Order of the Day for the Second Reading of Bill (No. 87), Respecting the Magistracy having been read, it was moved in amendment that all the words after "That" be struck out, and the following inserted in lieu thereof: "In the opinion of this House it is inexpedient to authorize the appointment of Police Magistrates in the Counties for the purpose of

*The Amendment was not moved at the Third Reading, and no decision upon the question of order was therefore given.

enforcing any special law on the ground that the existing Magistracy is either unable or unwilling to act; that no sufficient proof of such unwillingness, or misconduct has been laid before this House; that the proper course for the Government to pursue in such a case is to suspend, or dismiss the offending Magistrate, and not to supersede the whole Bench of Magistrates in the County, by a special appointee of the Government, with instructions to fine, imprison and punish a particular class of delinquents, against whom the Government of the day may entertain a special dislike or enmity."

tory of any principle adverse to the Bill, or opposed to its further progress. But an amendment to be in order must relate to some provision of the Bill.

And objection having been taken to such an amendment at this stage of the Bill, the Speaker said: "That the first part of the Amendment relating to the appointing of Police Magistrates in Counties, was undoubtedly in order. Upon the second or third reading of a Bill resolutions may be moved declaratory of any principle adverse to the Bill, or opposed to its further progress; numerous instances of such resolutions are to be found in the Journals, both in England and in this country. But it is doubtful whether the remainder of the amendment is in order, inasmuch as it does not relate to any provision of the Bill, but rather to matters which arose during the argument.

On 18th February, 1879 (pages 105, 109), Mr. Clarke (Wellington), reported from Committee of the Whole: That, Mr. Bell having proposed to read a letter, or portion of a letter, upon his own responsibility as to its contents, Mr. Bethune objected, for the following reason: That no member of this House has a right to read a letter unless prepared to read the whole of the document, and so place the House in possession of the whole of the said letter, including the signature; and that the Chairman having ruled against the objection, the Committee had appealed against the decision to the House.

A letter may be read in the House without disclosure of the signature thereto, if the member reading it assumes responsibility for its contents.

A debate arose which was adjourned until to-morrow.

On 19th February (page 109), the Order of the Day for resuming the Debate relative to the appeal to the House from the Committee of the Whole

House, on the 18th, having been read, the Debate was resumed; and, after some time, the decision of the Chairman, Mr. Clarke, (Wellington), was sustained by the House. (See MAY upon similar point, p. 379.)

A proposed interference with an expenditure of public money recommended by the Crown out of order.

On 7th March, 1879 (page 181), a motion was made to refer back a Resolution to Committee of Supply with instructions to strike out the item of $400, being the salary of the Clerk of the Crown in Chancery, no good reason being shewn for the continuance of that officer in his present capacity, the opinion of this House being that the light duties of the office should be attached, at a reduced figure, to the office of the Clerk Assistant of the House.

An objection being taken to the amendment, on the ground that it interfered with an expenditure of public money recommended by the Crown, the Speaker decided that the amendment was out of order.

Ibid.

On 8th March, 1879 (page 194), an amendment was moved for the purpose of recommitting a Resolution with instructions to reduce the salary of the Superintendent of Industries. The Speaker decided that the motion was not in order

Hon. Charles Clarke.

CHARLES CLARKE, ESQ., Centre Wellington, was elected Speaker, 7th Jan., 1880.

The advisers of His Honour the Lieutenant-Governor are responsible for communications from him respecting matters of Supply.

On 27th February, 1880 (page 111), on a motion for Committee of Supply, it was moved in amendment that the following words be added to the main motion: "And this House, desiring to comply with the expressed wish of His Honour the Lieutenant-Governor in that behalf, directs the Committee of Supply to reduce the proposed item of $5,571.22, for the payment *re* visit of His Honour to the North-west, etc., by the sum of three hundred and fifty dollars, which last mentioned sum appears to be more than sufficient to cover any of the said expenses that might be considered personal."

Mr. Morris objected to the proposed amendment as being irregular, in that it referred to an expressed wish of His Honour, the Lieutenant-Governor, made to the House in a private letter, whereas any such communication should have been made through a

responsible Minister of the Crown, and recorded on the Journals of the House.

The Attorney-General, by command of the Lieutenant-Governor, informed the House that the Lieutenant-Governor desires that the Committee of Supply do reduce the proposed item of supply of $5,571.22, for the payment of the expenses of His Honour's visit to the North-west, by the sum of three hundred and fifty dollars, which amount His Honour transmits to cover what might be considered as personal expenses.

The Speaker, having been referred to, decided: That, inasmuch as the Attorney-General had stated in his place that the responsibility of the communication from His Honour had been assumed by his advisers, the objection could not be entertained.

A Bill making no definite appropriation of or charges upon any part of the public revenue may be read a second time, without a recommendation from the Crown, but if in its progress through the House it is sought to make a specific charge upon the people, such charge must be recommended in the usual way.

On 15th Jan., 1883 (page 41), the Order of the Day for the Second Reading of Bill (No. 69), to establish Public Creameries, having been read, objection was taken that the Bill involved the expenditure of public money, and required the previous assent of His Honour, and the Speaker reserved his decision. On the 17th Jan. (page 58), he gave the following decision: Objection has been taken to the second reading of this Bill on the ground that it involves the expenditure of public money, and ought to have received the previous assent of His Honour. It is undoubtedly the practice for all Bills directly imposing a charge upon the people to originate in a Committee of the Whole House, and that no such charge shall be proposed without the expressed sanction of the Crown, but it has been equally the practice here, and in the Imperial Parliament to take initiatory steps towards expenditure, and not involving actual expenditure, upon the responsibility of a Minister of the Crown, without direct and specific concurrence of the Crown being expressed by message. In 1868, a Bill was introduced in this Legislature by the Hon. J. S. Macdonald, then Attorney-General, providing for the establishment of Central District Prisons, and, when in Committee, objection was taken by Mr. E. Blake to the first section,

giving power to the Lieutenant-Governor to purchase and acquire lands, and erect two or more buildings to be known as Central Prisons, inasmuch as it had not been based on resolutions recommended by His Honour the Lieutenant-Governor. The objection was overruled by the Chairman, as the first section applied to charges to be thereafter provided by a Committee of Supply, and Mr. Blake did not appeal from the decision. The Bill was ultimately abandoned, but reintroduced in the same Parliament in 1870-1, without precedent resolutions, and passed without renewal of the objections originally taken. In the Imperial Parliament, on 2nd March, 1865, Mr. Cowper, a Member of the Government, moved for leave to bring in a Bill to enable the Commissioner of Her Majesty's Works and Public Buildings to acquire additional lands for improving the site of the new public offices in Downing Street, and the approaches thereto, when Mr. Lygon submitted as a point of order that this was a Bill which should be originated in Committee of the Whole House. Mr. Cowper said that the Bill was of exactly the same character as five or six Acts which were upon the Statute Books, all of which had been introduced in the same manner, and which indeed could not, by the Rules of the House, have been introduced in any other way. Mr. Speaker said that the Bill was to enable the Government to take ground for certain purposes. It did not give them the power to purchase the property; the funds for that purpose should be voted afterwards in Committee of the Whole House. There was, therefore, no question of order.

Referring to the Rules of this House, I find that Rule 93 provides that if any motion shall be made for any public aid or charge upon the people, it shall be referred to Committee of the Whole House before any vote of the House does pass thereupon, and by the 54th section of 'The British North America Act' it is provided that the House shall not pass any Bill for the appropriation of any part of the public revenue to any purpose that has not

first been recommended by a message in the Session in which such Bill is proposed. The 93rd Rule, which deals with motions exclusively, I regard as inapplicable to the Bill, and the 54th section of the B. N. A. Act cannot be held as fatal to the second reading of a measure which, in its present form, makes no definite appropriation of or charges upon any part of the public revenue. But if, in the further progress of the Bill through the House, it seeks to impose a specific charge upon the people, through a distinct appropriation of public moneys, such changes in it can be made only after a recommendation of the expenditure by His Honour, communicated to this House in the usual manner. I am of opinion that there is now no question of order.

An Amendment in substance, but not in precise form, the same as one already passed upon by the House during the same Session, is out of order.

On 10th Jan., 1883 (pages 123-124), the Order of the Day for the Third Reading of Bill (No. 77), for amending the Election Act, was read, when Mr. Meredith moved in amendment: That the said Bill be not now read a third time, but be referred back to the Committee of the Whole, with instructions to amend the same so as to confer upon the sons of mechanics and others, not now entrusted with a franchise, the same privileges as are now conferred upon farmers' sons. Objection was taken, and the Speaker decided: That the proposition contained in the amendment, being in substance, if not in precise form, the same as already passed upon by this House, during the present Session, cannot now be submitted to this House, and is therefore out of order.

Objection was taken to the decision of Mr. Speaker, and the same, being submitted to the House, he was sustained by a vote of 49 to 25.

The House having declared that a considerable extension of the franchise is especially a subject upon which the

Mr. Meredith then proposed to strike out all the words after the word "That," and insert the following in lieu thereof: "The policy of the law is to exempt from taxation for municipal purposes incomes below $400; that large numbers of persons, particularly among the young men and of the industrial portion of the people, who are by their intelligence and otherwise justly entitled to vote at

people ought to be consulted in a coming election, any proposition to now admit large numbers of persons to the franchise cannot be entertained.

Parliamentary elections, are, by reason of the existence of the property qualification required, by law, excluded from the exercise of the franchise unless as income franchise voters; that the existing law which requires persons in receipt of incomes to waive their exemption from taxation in respect of such incomes to entitle them to the franchise, ignores the true principle upon which the income franchise rests, and excludes from the benefits of the franchise almost the whole of those whom it was the ostensible object of the Act creating the income franchise vote to invest with it, and is therefore unjust, and ought, so far as relates to Parliamentary elections, to be changed, and to that end, that the said Bill be not now read the third time, but be forthwith referred back to the Committee of the Whole House, with instructions to amend the same, by repealing, so far as the same relates to Parliamentary elections, the provisions of the law requiring persons otherwise qualified to vote in respect of income, to be rated for income exempt from taxation, and to pay taxes upon such income in order to entitle them to vote in respect of income.

Objection was taken to the amendment, and the Speaker decided: That inasmuch as this House has declared during the present Session* that a considerable extension of the franchise is especially a subject upon which the people ought to be consulted, and that the approaching general election will offer an opportunity for so consulting and ascertaining the wish of the people, any proposition to admit large numbers of persons to the franchise, as proposed in the amendment, cannot be now entertained, and that this proposed amendment is therefore out of order.

The Speaker's decision was appealed against, and sustained by a vote of 47 to 25.

A question already decided cannot be again put.

An amendment was then moved that "the said Bill be not now read the third time, but be forthwith referred back to the Committee of the Whole House, with instructions to amend the same by reducing the qualification of income franchise voters in cities, towns and villages to three hundred dol-

lars, and in townships to two hundred dollars." Objection was taken, and the Speaker decided: That the amendment was out of order on the ground that the question involved had been already decided upon by the House.*

In case of personal incapacity of a Member through incurable mental malady, reported by Committee on Privileges and Elections, no notice of a motion for the issue of a Writ is necessary.

On 14th Feb., 1884 (page 66), it was moved, "That by reason of the incurable mental condition of the Honourable Adam Crooks, Member-elect for the South Riding of the County of Oxford, as stated in the Report of the Committee on Privileges and Elections, this day presented to and adopted by this House, the representation of the said Riding in this House is hereby declared to be vacant, and that a new Writ do forthwith issue for the election of a Member to fill the vacancy, and to serve in this present Parliament for the said Riding in the room and, stead of the said the Honourable Adam Crooks'.

Mr. Morris raised the following point of order:—

Whether, in view of the fact that the motion for the Writ now proposed to be issued arises from an extraordinary occasion unprovided for by Statute, and in which the procedure depends upon the practice of the Parliament of Great Britain, notice is not required of the motion therefor.

The Speaker decided: That in view of the absence of Canadian precedents for the guidance of this House, and of any distinct rule bearing upon the question before it, he had carefully examined the Journals of the English House of Commons, and had found five cases of seats vacated by the incurable sickness of those representing them, and that in each case a Writ had issued upon the day on which the Committee on Privileges and Elec-

* On 27th January, 1883, the House

Resolved: That the Liberal Party of this Province stands pledged to extend the franchise; that if this House should now legislate to extend the franchise, any law passed for that purpose could not be brought into operation in time for the coming general election; that any considerable extension of the franchise is especially a subject upon which the people ought to be consulted; that the approaching general election will afford an opportunity of so consulting and ascertaining the wishes of the people; but the House meanwhile does not hesitate to affirm its opinion that no such extension of the franchise will prove satisfactory which does not, with proper checks and safeguards, give the right to vote to all classes who can fairly and reasonably claim to be endowed therewith.

tions had reported the facts to the House, and he was of the opinion, therefore, that no notice of motion was required.

Mr. Morris then raised the following further point of order:—

Whether the Report of the Committee on Privileges and Elections, in the case in question, should not have been printed and placed in the hands of Members for their information before motion was made for the issue of a new Writ?

The Speaker decided: That, as the Report in question had been adopted by the House, it was presumed to be in the hands of Members; and that, as no notice was required for the introduction of a motion for the issue of a Writ, the motion of the Attorney-General was in order.

A proposal to lay a paper upon the Table of the House and that it be now read, declared irregular.

On 10th Feb., 1885 (page 35), Mr. Meredith tendered to be laid on the Table of the House, and required that the same be read, a paper purporting to be a certified copy of a decision of the Court of Appeal, in the case of an Election Petition against the return of Charles Drury, Esquire, as Member for the East Riding of the County of Simcoe, and objection being taken thereto, the Speaker decided: That the course proposed to be taken by the Honourable Member was irregular.

An amendment to an Amendment, adding words to the Amendment, having been put and carried, a motion to strike out the first part of the Amendment as amended is out of order.

On 9th March, 1885 (page 97), Mr. Broder moved: That in the opinion of this House it is expedient that the Government shall make some suitable recognition to the Volunteers of 1837-8, residing in the Province of Ontario, for the valuable services they rendered in defence of their country at that time.

The Attorney-General moved in amendment: That all the words of the Motion after the first word "That" be omitted, and that instead thereof there be inserted the following: "This House cordially recognizes the loyalty and services of the Volunteers of 1837-1838, who responded to the call then made upon them by the lawfully constituted authorities, and recognizes also the services rendered to this Province through the efforts of the Reformers of the same period, which secured for the

people of Canada the blessing of true Constitutional Government; but this House deems it inopportune to make any declaration that might excite hopes and expectations which this House may not be in a position to fulfil."

Mr. Ross moved that as an amendment to the Amendment there be added to it these words: "This House, however, would be remiss in a plain duty if it did not avail itself of this opportunity to place on record its high and grateful appreciation of the services of those other Volunteers who, in 1866, loyally and cheerfully rallied to defend this Province against the lawless horde of intruders who then threatened our shores with invasion."

And this amendment to the Amendment was put and carried.

Mr. Meredith then moved in amendment to the Amendment, as amended: That all the words in the amendment of the Attorney-General after the first word "That" be struck out and the following words be added to the amendment of the Minister of Education: "And this House feels that this may be done without impugning the conduct or the motives of those who, by constitutional means, contended for principles, the adoption of which they believed to be in the interest of the country."

Objection was taken to this proposed amendment, and the Speaker decided: That, inasmuch as the amendment to the Amendment confirmed the subject matter of the Amendment, and the amendment of the Member for London proposed to strike out the former portion of the Amendment, his motion was out of order. It was competent to the Member to vote against the Amendment as amended, or to propose the addition of relevant words thereto.

Mr. Meredith appealed to the House against this decision, and it was sustained by a vote of 37 to 28.

An amendment to a Private Bill of which no Notice had been given, is out of order.

On 19th March, 1886 (page 126), the House resolved itself into a Committee of the Whole to consider Bill (No. 41), respecting the City of Toronto, a Private Bill. An important amendment was proposed in Committee, and objected to because no

Notice had been given as required by Rule 72 The Chairman of the Committee, Mr. Baxter, being appealed to, decided that the proposed amendment was out of order. An appeal from his decision was taken, and the Speaker decided: That the proposed amendment, being an important and distinct amendment, of which no notice had been given, was out of order, and that he sustained the ruling of the Chairman.

Hon. Jacob Baxter.

JACOB BAXTER, Esq., Haldimand, appointed Speaker, 10th February, 1887.

The House having amended an Amendment and passed the original Motion as amended, no further Amendment involving non-concurrence can be put.

On 8th March, 1888 (page 97), the Order of the Day for resuming, the adjourned debate on the Concurrence Resolutions respecting amendments in the British North America Act was read, and it was moved in amendment, that all the words in the Motion after the first "That" be struck out and the following substituted: "The proposed plan of dealing with the constitution of the Senate of Canada does not afford a satisfactory solution of the objections urged to that body as it now exists under the provisions of the British North America Act."

It was moved in amendment to the Amendment, that all after the first word "That" in the Amendment be omitted, and there be inserted instead thereof, the following: "there be added to the original Motion these words: 'and that an humble address be presented to His Honour the Lieutenant-Governor, requesting him to communicate to His Excellency the Governor-General, and to the Secretary of State for Canada, the concurrence of this House in the said Resolution'"

And the amendment to the Amendment having been put was carried, and the original Motion as amended was also carried.

Mr. Meredith rose to a point of order, and inquired of Mr. Speaker whether or not the amendment to the proposed Amendment, as carried, precluded any further motion to amend the Resolution?

The Speaker decided: That as the House by the words added to the main Motion had expressed con-

currence in the Resolutions, no such further amendment declaring, or by its terms involving, non-concurrence of the House in the said Resolutions could be proposed.

An Amendment of similar character, yet going further than the original Motion, is in order.

On 20th March, 1889 (page 140), the Order of the Day for the House to resolve itself into Committee to consider certain proposed Resolutions respecting Aid to Railways was read, and it was moved that "Mr. Speaker do now leave the Chair." It was moved in amendment that all the words after the word "That" be struck out, and the following substituted: "This House regrets that in opening the question of aiding out of Provincial funds the building of railways, a more just, equitable and satisfactory scheme had not been submitted for its consideration." After several amendments to this proposition had been voted down, it was moved in amendment to the proposed Amendment: That all the words after the first word "That" be omitted, and instead thereof there be inserted these words: "All words of the original question after the word "That" be struck out, and instead thereof the following be inserted: This House while approving of a reasonable amount of Provincial aid being given to needful and deserving colonization railways within this Province, do forthwith resolve itself into a Committee to consider Resolutions relating to Railway Aid heretofore ordered to be considered in committee of the Whole House, and that Mr Speaker do accordingly now leave the Chair."

Objection was taken to the proposed amendment to the Amendment, in that it only affirmed the original Motion, and nothing more.

Mr. Speaker decided: That as the amendment was framed, it proposed to go much further than the original Motion, and was, therefore, fully in order.

Hon. T. Ballantyne.

THOMAS BALLANTYNE, Esq, elected Speaker 11th February, 1891.

1st April, 1891 (page 66), in the matter of the Petition of Archibald McKellar, of Hamilton, which

Mr. Wood (Hastings) had desired read on a previous day, and to the reading of which objection had been taken as irregular.

A petition cannot be read at length on presentation, unless by common consent, but is read at length by the Clerk at the Table, two days after presentation, if desired.

The Speaker decided: In case of the Petition in question, an objection having been taken, and there having been no motion made for the reading of the Petition, it could not then be read. Although a member presenting a Petition is by Rule 89 answerable that it shall not contain impertinent or improper matter, the practice of the House is, that every Petition presented to it shall at once be deposited with the Clerk for examination by him, and if found to be such as, according to the Rules and Practice of the House, can be received, it shall be brought to the Table by direction of the Speaker, two days after the presentation, to be read and received. It may then be read by the Clerk at the table, if required, or it may, with common consent, be read by the Clerk at the time of its presentation, but this cannot be done if any member objects. When a Petition complains of some present personal grievance requiring an immediate remedy, it may, with common consent, be at once read.

Concurrence in the Report of a Special or Standing Committee must be moved if it makes recommendations. If no special recommendations are made, and no member objects when it is presented, it is regarded as concurred in.

On the 2nd of April, 1891 (page 70), the Speaker, in the matter of concurrence in the Ninth Report of the Standing Committee on Standing Orders, presented to the House on Thursday last, decided as follows: A Special or Standing Committee having recommended the suspension of a Rule, for the extension of time for the reception of Petitions; or the course to be taken in consequence of the insufficiency of notice; or other action for some particular purpose,—it is proper that concurrence therein should be moved in the House, which can be done by common consent upon presentation of the report. If this consent is not given, the report stands for further consideration. If no special recommendation is made, the report is regarded as concurred in, unless opposition is offered to its reception. If a member objects to a report in any particular, it is in order for him to move that either the whole or part thereof be referred back to the Standing Committee for further consideration. When more than

one report is made by the Committee, each single report shall be entered on the Journal under its special designation as the second, third or other report.

Petitions cannot be read on presentation without "common consent."

On 18th March, 1892 (page 96), in the matter of a ruling of Mr. Speaker, in the Session of 1891, relative to a point of order raised on the question of the presentation and reading of a Petition, and of a case cited on Monday last bearing upon such ruling, the Speaker addressed the House as follows:—

From his place in this House, the honourable member from London, on Monday last, called my attention to the fact that, on the 23rd July last, Mr. Atkinson, member for Boston in the British House of Commons, attempted to read a Petition which he presented to that body. Although Mr. Atkinson was prevented by Mr. Speaker from proceeding beyond the presentation of the Petition, it was read by the Clerk of the House, no opposition to such reading having been made. The unanimous consent of the House in this reading did not imply the existence of the right of any member to a compliance with his demand for such reading. Like the irregular introduction of a Bill or a Motion, it was done by "common consent." In this particular, Canadian Legislatures follow the practice of Great Britain, and the ruling made by me on 1st April, last Session, is in strict accordance with the rules and action of the British House of Commons.

Bourinot says: "A member presenting a Petition has no right himself to read it at length, but he may have it done by the Clerk at the Table, with the consent of the House. Petitions may be at once read and received by common consent, chiefly in order to refer them to a Committee; if a member objects, it cannot be done."

"Previous to 1885," says Bourinot, "a very loose practice existed with respect to the reading of Petitions, when required by a member, but in that year it was decided that the consent of the House was necessary, in accordance with the English rule, which is the same literally as the Canadian Rule 86."

On the 16th of May, 1885, a discussion arose in the Dominion House of Commons on an attempt on the part of Mr. Charlton to read the allegations of a Petition. Mr. Speaker declared it irregular for an honourable member to read a Petition when he was presenting it, and added that if he wished to have it read, the Clerk would read it. He said: "I think it is the right of an honourable member to ask to have the Petition read, though, of course, if the House refuses its consent, it cannot be read."

Sir John A. Macdonald said: "If the House assents, it is read; if the House dissents, or any one member, I take it, dissents, it must be postponed."

Hon. E. Blake said: "I quite agree with the honourable gentleman that there have been cases in which Petitions have been read and received at once, but that has always been on a motion, and always with the unanimous consent of the House'

Sir Hector Langevin said: "But is it the privilege of a member to have it read without the consent of the House, for, if so, I must say that after 28 years experience in Parliament this is the first time it has been done within my experience."

Mr. Chapleau said: "This is the question. Can a Petition be read by the member presenting it, or can it be read, as a matter of right, by the Clerk of House, at the request of a member? I say, No. Not only can it not be received, but it can not be read."

Although not bearing directly upon our practice, it may be interesting to know that pursued in Congress:

Cushing says: "If the Petition is to be read in full or as a Petition, it must first be received by the House, and upon the reading being ordered, be read by the Clerk at the Table. If the House refuses to allow a Petition to be read, it is effectually rejected; if decided in the affirmative, the Petition is read by the Clerk at the Table, and the contents of it are then fairly in the possession of the House."

On 25th May, 1893, it was moved,

That this House do now concur in the Report of the Standing Committee on Public Accounts.

Concurrence not necessary upon a Report containing no recommendation.

And a Debate having arisen,

Exception was taken to the continuance of the Debate on the grounds of irregularity, in that the Report contained nothing that required either concurrence therein or adoption thereof, by the House, and that a motion for concurrence in, or adoption of, the Report was unnecessary and irregular.

And Mr. Speaker being appealed to, decided,

That the motion for concurrence was out of order, and that, therefore, the Debate could not continue.

On 25th May, 1893, the Order of the Day for the House to resolve itself into a Committee of the Whole to consider certain proposed Resolutions relating to Railway Aid, having been read,

An amendment to the Amendment to the Motion "That Mr. Speaker do now leave the Chair" is in order, excepting when going into Supply.

The Attorney-General acquainted the House that His Honour the Lieutenant-Governor, having been informed of the subject matter of the proposed Resolutions, recommends them to the consideration of the House.

Mr. Hardy then moved,

That Mr. Speaker do now leave the Chair.

Mr. Meredith moved in amendment, seconded by Mr. Clancy,

That all the words in the Motion after the word "that" be struck out and the following substituted therefor:—"This House, while it approves of the grants proposed by the Resolutions in aid of railways therein mentioned, regrets that His Honour has not been advised to submit, for the approval of this House, a liberal scheme for developing the mineral and mining resources of the Province."

Mr. Fraser, moved in amendment to the Amendment, seconded by Mr. Gibson (Hamilton),

That all the words of the Amendment after the first word "that" be omitted, and instead thereof there be inserted these words, "all words of the original question after the word 'that' be struck out, and instead thereof the following be inserted: 'This House, approving of a reasonable amount of rovincial Aid being given to needful and deserv-

ing Railways intended to develop the Colonization and Mining interest of this Province, do forthwith resolve itself into a Committee to consider the Resolutions relating to Railway Aid heretofore ordered to be considered in Committee of the Whole House, and that Mr. Speaker do accordingly now leave the Chair."

Mr. Meredith objected that the amendment to the Amendment was not in order because (1), On a motion to go into Committee on the Resolutions only one amendment to the Motion "That Mr. Speaker do now leave the Chair" can be moved, and (2), The amendment to the Amendment is a mere re-affirmation of the original Motion. And Mr. Speaker, being appealed to, decided that

(1) An amendment to an Amendment, upon the motion "That Mr. Speaker do now leave the Chair" is in order, excepting when the House is going into Committee of the Whole upon Supply. (2). The proposed amendment to the Amendment is not a mere affirmation of the main motion, but a permissible expression by the House of its approval of the policy of extending reasonable aid to Colonization and Mining interests. The objections raised by the honourable member cannot, therefore, be entertained.

No Amendment can be moved on the second reading, or other stage of a Bill, by way of mere addition to the question.

On 25th May, 1893, on the proposed Third Reading of Bill (No. 199), Respecting Aid to certain railways, it was moved,

That the following words be added to the Motion :—

"And it is, in the opinion of this House, expedient that during the recess the Government consider and be prepared to submit to the House at its next Session some measure looking to the development of the mineral resources of the Province."

And objection being taken to the proposed Motion in amendment as contravening all established rules of Parliamentary Practice in cases of motions of the third reading of a Bill,

Mr. Speaker being appealed to decided,

That the objection must prevail, as in his opinion no amendment can be moved on the second reading

or other stage of a Bill by way of mere addition to the question.

An Amendment should be so framed as to leave out certain words; to leave out certain words in order to insert or add others; or to insert or add certain words.

On 25th May, 1893, on the motion that Bill (No. 156) to enable the electors of the Province to pronounce upon the desirability of prohibiting the importation, manufacture and sale, as a beverage, of intoxicating liquors be now read a third time, it was moved in amendment,

"That this House regrets that provision has not been made for the expense of taking the vote of the electors, being paid by the Province, instead of requiring that expense to be defrayed by the municipalities."

Exception was taken to the proposed amendment,

And Mr. Speaker being requested to rule, decided that an Amendment should be so framed as to leave out certain words; to leave out certain words in order to insert or add others; or to insert or add certain words. Inasmuch as the proposed amendment does not comply with any of these conditions it is out of order.

DECISION BY THE CLERK.

House not properly constituted for the reception of Documents until election of Speaker.

On 7th December, 1871, at the opening of the Second Parliament, Mr. Blake, addressing himself to the Clerk, Col. Gillmor, drew attention to the fact that certain members, declared by the Judges not to have been duly elected, had taken the oath and their seats; and that the reports of the Judges having been sent to the Clerk, it was his duty to lay the reports before the House at the earliest practicable opportunity, the Clerk being, for the purposes of the Act, the Speaker.

The Clerk, being referred to, said, That the Clerk of the Crown in Chancery had handed him a roll containing the names of the members duly returned to the present Parliament, and that the members so named having taken the oath and subscribed the

roll before him, he, as Clerk of the House, could not presume to question the fact of their right to take their seats.

That he was of opinion that it was not competent for him to lay any papers on the Table, His Excellency having informed the House that he would not declare the causes of his calling the Parliament together until a Speaker had been elected, and, until the orders of His Excellency have been obeyed, the House would not be properly constituted, so that it would be practicable to lay the reports on the table.

RULES, ORDERS,

AND

FORMS OF PROCEEDING

OF

LEGISLATIVE ASSEMBLY OF ONTARIO.

I.—Regulation and Management of the House.

1. The time for the Ordinary Meeting of the House is at Three o'clock in the afternoon of each sitting day ; and if at that hour there be not a Quorum, the Speaker may take the Chair and adjourn. When the House rises on Friday, it shall stand adjourned, unless otherwise ordered, until the following Monday.

2. If at the hour of six o'clock p.m., the Business of the Day be not concluded, the Speaker shall leave the Chair until half past seven.

3. When the House adjourns, the Members shall keep their seats until the Speaker has left the Chair.

4. The presence of at least Twenty Members of the House, including the Speaker, shall be necessary to constitute a meeting of the House for the exercise of its powers.

5. Whenever the Speaker shall adjourn the House for want of a quorum, the time of the adjournment, and the names of the Members then present, shall be inserted in the Journal.

6. Any Stranger admitted to any part of the House or Gallery, who shall misconduct himself, or shall not withdraw when Strangers are directed to withdraw, while the House or any Committee of the Whole House is sitting, shall be taken into custody by the Sergeant-at-Arms ; and no person so taken into custody is to be discharged without the special Order of the House.

7. Any Five Members may require the House to be cleared of Strangers, and the Speaker shall immediately give directions to the Sergeant-at-Arms to execute the Order without debate.

8. The Speaker shall preserve Order and Decorum, and shall decide questions of Order, subject to an appeal to the House ; in explaining a point of Order or Practice, he shall state the Rule or Authority applicable to the case.

9. The Speaker shall not take part in any Debate before the House. In case of an equality of Votes, the Speaker gives a casting Voice, and any reasons stated by him are to be entered in the Journal.

II.—Rules of Debate.

10. Every Member desiring to speak is to rise in his place, uncovered, and address himself to the Speaker.

11. When two or more Members rise to speak, the Speaker calls upon the Member who rose first in his place; but a motion may be made that any Member who has risen "be now heard" or "do now speak."

12. A Member called to Order shall sit down, but may afterwards explain. The House, if appealed to, shall decide on the case, but without debate. If there be no appeal, the decision of the Chair shall be final.

13. No Member shall speak disrespectfully of Her Majesty, nor of any of the Royal Family, nor of the Governor, or person administering the Government of Canada, nor of the Lieutenant-Governor of this Province; nor shall he use offensive words against any Member of the House; nor shall he speak beside the Question in Debate. No Member may reflect upon any Vote of the House, except for the purpose of moving that such a Vote be rescinded.

14. Any Member may require the Question under discussion to be read at any time of the Debate, but not so as to interrupt a Member while speaking.

15. No Member may speak twice to a Question, except in explanation of a material part of his speech in which he may have been misconceived, but then he is not to introduce new matter. A reply is allowed to a Member who has made a substantive Motion to the House, but not to any Member who has moved an Order of the Day, an Amendment, the Previous Question, or an Instruction to a Committee.

III.—Conduct of Members.

16. No Member is entitled to vote upon any Question in which he has a direct pecuniary interest, and the vote of any Member so interested shall be disallowed.

17. When the Speaker is putting a Question, no Member shall walk out of or across the House, or make any noise or disturbance; and when a Member is speaking, no Member shall interrupt him except to a Question of Order, nor pass between him and the Chair; and no Member may pass between the Chair and the Table, nor between the Chair and the Mace, when the Mace has been taken off the Table by the Sergeant.

18. Every Member is bound to attend the service of the House, unless leave of absence has been given him by the House.

Motions and Questions.

30. A Motion to adjourn the House or the Debate, shall always be in order; but no Member shall speak to such Motion for more than ten minutes; and no second motion to the same effect shall be made until after some intermediate proceeding shall have been had.

31. Two days' notice shall be given of a Motion for leave to present a Bill, Resolution, or Address; for the appointment of any Committee; or for the putting of a Question; but this Rule shall not apply to Bills after their introduction, or to Private Bills, or to the times of the meeting, or Adjournment of the House; such Notice to be laid on the Table before five o'clock p.m., and to be printed in the Votes and Proceedings of that day.

32. A Motion may be made, by unanimous consent of the House, without previous notice.

33. All Motions shall be in writing, and seconded, before being debated, or put from the Chair. When a Motion is seconded, it shall be read by the Speaker before debate.

34. A Member who has made a Motion may withdraw the same by leave of the House; such leave being granted without any negative voice.

35. The Previous Question, until it is decided, shall preclude all amendment of the Main Question, and shall be in the following words: "That this Question be *now* put." If the Previous Question be resolved in the affimative, the Original Question is to be put forthwith, without any amendment or debate.

36. A Motion to commit a Bill, or Question, until decided, shall preclude all amendment of the Main Question.

37. Whenever the Speaker is of opinion that a Motion offered to the House is contrary to the Rules and Privileges of Parliament, he shall apprise the House thereof immediately, before putting the Question thereon, and quote the Rule or Authority applicable to the case.

Privilege.

38. Whenever any matter of Privilege arises, it shall be taken into consideration immediately.

Votes and Proceedings.

39. A copy of the Votes and Proceedings of the House, certified by the Clerk, shall be delivered each day to the Lieutenant-Governor.

Proceedings on Bills.

40. Every Bill shall be introduced upon Motion for leave, specifying the Title of the Bill, or upon Motion to appoint a Committee to prepare and bring it in.

41. No Bill may be introduced either in blank or in an imperfect shape.

42 When any Bill shall be presented by a Member, in pursuance of an Order of the House, the Question, "That this Bill be *now* read a first time," shall be decided without amendment or debate.

43. No Bill shall be read the second time until it has been printed and distributed, and has been subsequently marked on the Orders of the Day—thus, PRINTED (*Signifying that it has been printed and distributed*).

44. When a Bill has been amended in Committee of the Whole House, or by any Select or Standing Committee, it shall be re-printed as amended; the amendments to be in *Italics*; and when the Bill has been sent to be re-printed, it shall be marked on the Orders of the Day—thus, NOT RE-PRINTED; and shall not be further proceeded with until that mark has been removed and the word PRINTED substituted (*Signifying that the Bill has been re-printed and distributed.*)

45. Every Bill shall receive three several readings, on different days, previously to being passed. On urgent or extraordinary occasions, a Bill may be read twice or thrice, or advanced two or more stages in one day.

46. When a Bill is read in the House, the Clerk shall certify upon it the Readings, and the time thereof. After it has passed, he shall certify the same, with the date at the foot of the Bill.

47. Every Public Bill shall be read twice in the House before committal or amendment.

48. In proceedings in Committee of the Whole House upon Bills, the Preamble shall be first postponed, and then every clause considered by the Committee in its proper order, the Preamble and Title to be last considered.

49. All amendments made in Committee shall be reported by the Chairman to the House which shall receive the same forthwith. After Report, the Bill shall be open to debate and amendment, before it is ordered for a Third Reading. But when a Bill is reported without amendment, it is forthwith ordered to be read a Third time, at such time as may be appointed by the House.

50. It shall be the duty of the Law Clerk of the House to revise all Bills after their First Reading, and to certify thereon that the same are correct; and in every subsequent stage of such Bills the Law Clerk shall be responsible for the correctness of Bills, should they be amended. And he shall prepare a Breviat of every Bill previous to the Second Reading thereof.

Private Bills.

51. No petition for any Private Bill is received by the House after the first ten days of each Session; nor may any Private Bill be presented to the House after the first seventeen days of each Session; nor may any report of any Standing or Select Committee upon a Private Bill be received after the first thirty days of each Session. And no Motion for the general suspension or modification of this Rule shall be entertained by the House, unless after reference made thereof, at a previous Sitting of the House, to the several Standing Committees charged with consideration of Private Bills, or upon report submitted by two or more of such Committees.

52. The Clerk of the House shall, during each recess of Parliament, publish weekly in the *Ontario Gazette* the following Rules respecting Notices of intended applications for Private Bills; and shall also, immediately after the issue of the Proclamation convening Parliament for the Despatch of Business, publish in the *Ontario Gazette*, until the opening of Parliament, the day on which the time limited for receiving petitions for Private Bills will expire, pursuant to the foregoing Rule; and the Clerk shall also announce, by Notice affixed in the Committee-rooms and Lobbies of the House, by the first day of every Session, the time limited for receiving Petitions for Private Bills, and Private Bills and Reports thereon.

53. All applications for Private Bills properly the subject of legislation by the Legislative Assembly of Ontario within the purview of "The British North America Act, 1867," whether for the erection of a Bridge, the making of a Railroad, Turnpike Road, or Telegraph Line; the construction or improvement of a Harbour, Canal, Lock, Dam, or Slide, or other like work; the granting of a right of Ferry; the incorporation of any particular Trade or Calling, or of any Joint Stock Company; or otherwise for granting to any individual or individuals any exclusive or peculiar rights or privileges whatever, or for doing any matter or thing which in its operation would affect the rights or property of other parties, or relate to any particular class of the community; or for making any amendments of a like nature to any former Act,—shall require a Notice, clearly and distinctly specifying the nature and object of the application, and, where the application refers to any proposed work, indicating generally the location of the work, and signed by or on behalf of the applicants,—such Notice to be published as follows, viz:—

A Notice inserted in the *Ontario Gazette*, and in one Newspaper published in the County, or Union of Counties, affected, or if there be no Newspaper published therein, then in a Newspaper in the next nearest County in which a Newspaper is published.

Such Notice shall be continued in each case for a period of at least six weeks, during the interval of time between the close of the next preceding Session, and the consideration of the Petition; and copies of such Notice shall be sent by the parties inserting such Notice to the Clerk of the House, to be filed in the Standing Orders Committee-rooms.

And within two weeks from the first appearance of such Notice in the *Ontario Gazette*, a copy of said Bill, with the sum of one hundred dollars, shall be placed by the applicant in the hands of the Clerk of the House, whose duty it shall be to get the said Bill printed forthwith.

54. Before any Petition praying for leave to bring in a Private Bill for the erection of a Toll bridge is received by the House, the person or persons intending to petition for such Bill shall, upon giving the Notice prescribed by the preceding Rule, also at the same time and in the same manner, give notice of the rates which they intend to ask, the extent of the privilege, the height of the arches, the interval between the abutments or piers for the passage of rafts and vessels, and mentioning also whether they intend to erect a drawbridge or not, and the dimensions of the same.

55. Before any petition praying for leave to bring in a Bill for the construction of Railways, Tramways, or Canals, is received by the House, the person or persons petitioning for such Bill shall deposit with the Clerk the following documents :—

(1) A Map or Plan upon a scale of not less than half an inch to the mile, showing the location upon which it is intended to construct the proposed work, and showing also the lines of existing or authorized works of a similar character within, or in any way affecting the district or any part thereof which the proposed work is intended to serve. Such map or plan to be signed by the Engineer or other party making the same.

(2) A Book of Reference, in which shall be clearly set out the following information, in separate Schedules, namely :

Schedule A.—The name of each Municipality within which the proposed works, or any part thereof, are intended to be constructed ; the population of each such Municipality, as returned by the next preceding census ; the ratable value of the property within each such Municipality, as returned by the next preceding assessment rolls thereof ; and this Schedule may contain in a separate statement similar information as to the adjoining districts intended to be served by the proposed work.

Schedule B.—A general description of the nature, extent and proposed character of the contemplated works, and an estimate of the probable cost thereof, distinguishing the general items of construction, and the costs thereof respectively, as well as the nature, extent and probable cost of all engine and car stock, or other outfit or equipment necessary to the use and operation of the proposed undertaking, such Schedule to be signed by the Engineer, or other person preparing the same.

Schedule C.—An exhibit showing the total amount of capital proposed to be raised for the purposes of the undertaking, and the manner in which it is proposed to raise the same, whether by ordinary shares, bonds, debentures or other securities, and the amount of each respectively.

Schedule D.—An estimate of the probable revenues of the proposed undertaking showing the sources whence the same are expected to be derived ; the annual earnings therefrom respectively ; the probabl annual cost of operation or working expenditure ; and the annual net revenue applicable to the payment of interest on the proposed investments. Such Schedules to be signed by the person preparing the same.

56. Petitions for Private Bills, when received by the House, are to be taken into consideration (without special reference) by the Committee on Standing Orders ; which is to report, in each case, whether the Rules with regard to Notice have been complied with ; and in every case where the Notice shall prove to have been insufficient, either as regards the petition as a whole, or any matter therein which ought to have been specially referred to in the Notice, the Committee is to recommend to the House the course to be taken in consequence of such insufficiency of Notice.

56. (*a*) The promoters of any Private Bill shall lodge with the Clerk of the House, a statement as to the compliance by them with the Standing Orders of the House, in relation to such Bill, on or before the first day of each Session.

56. (*b*) A copy of the Petition intended to be presented to the House, praying for the passage of any Private Bill, shall be lodged, on or before the first day of each Session, with the Clerk of the House, who shall file the same in his office, and shall prepare for the Committee on Standing Orders, at the first meeting thereof, a report, in which he shall state the result of his examination into the facts required to be proved before the Committee relating to the compliance or non-compliance with the Standing Orders of the House.

56. (*c*) The Committee may determine, upon the facts so reported, or certified by the Clerk, whether the Standing Orders have been complied with in respect of each Petition, and whether the Standing Orders ought or ought not to be dispensed with, and shall report the same to the House.

57. No Motion for the suspension of the Rules upon any Petition for a Private Bill is entertained, unless the same has been reported upon by the Committee on Standing Orders

58. All Private Bills are introduced on Petition and presented to the House upon a Motion for leave, and after such Petition has been favourably reported on by the Committee on Standing Orders.

59. When any Bill for confirming any Letters Patent, or Agreement, is presented to the House, the copy of such Letters Patent, or Agreement shall be attached to it.

60. The expenses and costs attending on Private Bills giving any exclusive privilege, or for any object of profit, or private, corporate or individual advantages ; or for amending, extending, or enlarging any former Acts, in such manner as to confer additional powers, ought not to fall on the public ; accordingly the parties seeking to obtain any such Bills shall be required to pay the sum of one hundred dollars, as provided by Rule 53.

61. Every Private Bill, when read a first time, shall, except it be an Estate Bill, stand referred to the proper Standing Committee, and all Petitions before the House, for or against the Bill, are considered as referred to such Committee.

62. Every Estate Bill, when read a first time, shall, without special reference, stand referred to the Commissioners of Estate Bills for their Report ; and a copy of such Bill, and of the Petition on which the same is founded, shall be forthwith transmitted by the Clerk of the House to the said Commissioners, or one of them, in order that they, or any two of them, may, after perusing the Bill, without requiring any proof of the allegations thereof, report to the House their opinion thereon under their hands ; and whether, presuming the allegations contained in the preamble to be proved to the satisfaction of the House, it is reasonable that such Bill do pass into a law ; and whether the provisions thereof are proper for carrying its purposes into effect ; and what alterations or amendments, if any, are necessary in the same ; and

in the event of their approving the said Bill, they are to sign the same ; and the said Report, with the said Bill and Petition, are to be transmitted by the said Commissioners to the Clerk ; and the Report shall be read by the Clerk at the Table, and shall be entered on the Journals of the House ; and the Bill, together with the Report, shall stand referred to the Standing Committee on Private Bills, which is not to consider the said Bill, before the delivery of the said Report, Bill and Petition to the Chairman of the said Committee.

63. In the event of the Commissioners of Estate Bills reporting that, in their opinion, it is not reasonable that the Bill submitted to them shall pass into law, such Bill shall not be further considered.

64. No Committee on any Private Bill, of which Notice is required to be given, is to consider the same until after such Bill has been printed and distributed to Members, and five days' clear Notice of the sitting of such Committee has been affixed in the Lobby. And no Motion for any suspension or modification of this Rule shall be entertained by the House, unless after reference made thereof, at a previous Sitting of the House, to the Proper Standing Committee, or upon Report submitted by such Committee.

(2) On the day of posting of any Bill under this Rule, the Clerk of the House shall append to the printed Votes and Proceedings of the day, a Notice of such posting ; and also a Notice of Meetings of any of the Standing Committees charged with the consideration of Private Bills or Petitions therefor, that may have been appointed for the following day.

65. A copy of the Bill containing the Amendments proposed to be submitted to the Standing Committee, shall be deposited in the Private Bill Office two clear days before the meeting of the Committee thereon.

66. All persons whose interest or property may be affected by any Private Bill shall, when required so to do, appear before the Standing Committee touching their consent, or may send such consent in writing, proof of which may be demanded by such Committee. And in every case the Committee upon any Bill for incorporating a Company may require proof that the persons whose names appear in the Bill, as composing the Company, are of full age, and in a position to effect the objects contemplated, and have consented to become incorporated.

67. All Questions before Committee on Private Bills are decided by a majority of voices, including the voice of the Chairman ; and whenever the voices are equal the Chairman has a second or casting vote.

68. It is the duty of a Select Committee to which any Private Bill may be referred by the House, to call the attention of the House specially to any provision inserted in such Bill that does not appear to have been contemplated in the Notice for the same, as reported upon by the Committee on Standing Orders.

69. The Committee to which a Private Bill may have been referred, shall report the same to the House in every case ; and when any material alteration has been made in the Preamble of the Bill, such alteration, and the reasons for the same, are to be stated in the Report.

70. When the Committee on any Private Bill report to the House that the Preamble of such Bill has not been proved to their satisfaction, they must also state the grounds upon which they have arrived at such a decision ; and no Bill so reported upon shall be placed upon the Orders of the Day, unless by special order of the House.

(2) Private Bills, otherwise reported to the House by such Committee, shall be placed upon the Orders of the Day following the reception of the Report, for a Second Reading in their proper order.

71. The Chairman of the Committee shall sign with his name, at length, a printed copy of the Bill, on which the amendments are fairly written, and shall also sign, with the initials of his name, the several Amendments made and Clauses added in Committee, which shall be filed in the Office of Routine and Records ; and another copy of the Bill, with the amendments written thereon, shall be prepared by the Clerk of the Committee, and attached to the Report.

72. No important Amendment may be proposed to any Private Bill in a Committee of the Whole House, or at any Third Reading of the Bill unless two days' notice of the same shall have been given.

73. Except in case of urgent and pressing necessity, no Motion may be made to dispense with any Standing Order relative to Private Bills, without due notice thereof.

74. A Book, to be called the Private Bill Register, shall be kept in the Private Bill Office, in which Book shall be entered, by the Clerk appointed for the business of that Office, the name, description, and place of residence of the parties applying for the Bill, or of their Agent, and all the proceedings thereon, from the Petition to the passing of the Bill ; such entry to specify briefly each proceeding in the House, or in any Committee to which the Bill or Petition may be referred, and the day on which the Committee is appointed to sit ; such Book to be open to public inspection daily, during Office hours.

75. The Clerk of the House shall prepare daily, lists of all Private Bills and Petitions for such Bills, upon which any Committee is appointed to sit, specifying the time of meeting and the room where the Committee shall sit ; and the same shall be hung up in the Lobby.

76. Every Parliamentary Agent conducting proceedings before the House shall be personally responsible to the House and to the Speaker for the observance of the Rules, Orders, and Practice of Parliament, and Rules prescribed by the Speaker, and also for the payment of all fees and charges ; and he shall not act as Parliamentary Agent until he shall have received the express sanction and authority of the Speaker, who may revoke the same at pleasure.

77. Any Agent who shall wilfully act in violation of the Rules and Practice of Parliament, or any Rules prescribed by the Speaker, or who shall wilfully misconduct himself in prosecuting any proceedings before the House, shall be liable to an absolute or temporary prohibition to practice as a Parliamentary Agent at the pleasure of the Speaker.

Committees.

78. The Clerk of the House shall cause to be affixed, in some conspicuous part of the House, a list of the several Standing and Select Committees appointed during the Session.

79. There shall be appointed in each Session a Permanent Chairman of Committees of the Whole House, who, when the Speaker leaves the chair, shall, if present preside over and maintain order in the Committee.

(2) The Rules of the House shall be observed in Committee of the Whole House so far as may be applicable, except the Rule limiting the number of times of speaking.

80. Questions of Order arising in Committee of the Whole House shall be decided by the Chairman, subject to an appeal to the House ; but disorder in a Committee can only be censured by the House on receiving a report thereof.

81. A Motion that the Chairman leave the chair shall always be in order, and shall take precedence of any other Motion.

82. Bills which may be on the Order of the Day for consideration in Committee on the same day, may be referred together to a Committee of the Whole House, which may consider all the Bills so referred to it without the Chairman leaving the Chair on each separate Bill.

83. No Select Committee may, without leave of the House, consist of more than fifteen members, and the Mover may submit the names to form the Committee, unless objected to by five members ; if objected to, the House may name the Committee in the following manner :— Each member to name one, and those who have most voices, with the mover, shall form the same ; but it shall be always understood that no member who declares or decides against the Principle or substance of a Bill, Resolution or matter to be committed, can be nominated of such Committee.

84. Of the number of Members appointed to compose a Committee, a majority of the same shall be a Quorum, unless the House has otherwise ordered.

85. Reports from Standing and Select Committees may be made by Members standing in their places, and without proceeding to the Bar of the House.

85 (*a*). The Special Committee to prepare and report lists of Members to compose the Standing Committees of the House, and the said several Standing Committees, may be appointed, and thereafter may proceed to organize and sit, and report at any time after an Address to His Honour the Lieutenant Governor in reply to the Speech shall have been moved in the House, although the Debate on such Address may not have been concluded.

Witnesses.

86. The Clerk of the House is authorized to pay out of the Contingent Fund to Witnesses summoned to attend before any Select Committee of the House, except in the case of Private Bills, a reasonable

sum per diem, to be determined by the Speaker, during their attendance, and a reasonable allowance for travelling expenses, upon a certificate or order of the Chairman of the Committee before which such witnesses have been summoned; but no witnesses shall be so paid unless a certificate shall first have been filed with the Chairman of such Committee, by some member thereof, stating that the evidence to be obtained from such witness is, in his opinion, material and important; and no such payment shall be made in any case without the authority of the Speaker, which shall be signified by the endorsement of the Speaker upon the aforesaid certificate; and when any witness shall have been in attendance during three days, if his presence is still further required, recourse shall again be had to the Chairman of the Committee, and so on, every three days; and no witness residing at the Seat of Government shall be paid for his attendance.

Divisions.

87. When Members have been called in, preparatory to a Division, no further debate is to be permitted.

88. Upon a Division, the Yeas and Nays shall not be entered upon the Minutes, unless demanded by five members; and on Questions of Adjournment of the House, or of the debate, the numbers only shall be entered.

Petitions.

89. Petitions to the House shall be presented by a Member, in his place, who shall be answerable that they do not contain impertinent or improper matter.

90. Every Member offering to present a petition to the House, shall endorse his name thereupon, and confine himself to a statement of the parties from whom it comes, the number of signatures attached to it, and the material allegations it contains. Petitions may be either written or printed; provided always that the signatures of at least three petitioners are subscribed on the sheet containing the prayer of the petition, except in the case of a single petitioner, or a corporation.

91. No Petition can be received which prays for any expenditure, grant or charge on the public revenue, whether payable out of the Consolidated Revenue Fund, or out of moneys to be provided by the House.

92. Every Petition not containing matter in breach of the Privileges of the House, and which according to the rules or practice of the House can be received, is brought to the Table by direction of the Speaker, who cannot allow any debate, or any Member to speak upon, or in relation to, such petition; but it may be read by the Clerk at the Table, if required; or if it complain of some present personal grievance, requiring an immediate remedy, the matter contained therein may be brought into immediate discussion.

Aid and Supply.

[By the 54th Section of the Imperial Act, 30 Vict. c. 3, "The British North America Act, 1867," it is provided that the House shall not adopt or pass any Vote, Resolution, Address or Bill for the appro-

priation of any part of the Public Revenue, or of any Tax or Impost, to any purpose that has not been first recommended by a message of the Lieutenant-Governor in t e Session in which such Vote, Resolution, Address or Bill is proposed.]

93. If any Motion be made in the House for any public aid or charge upon the people, the consideration and debate thereof may not be presently entered upon, but shall be adjourned til such further day as the House shall think fit to appoint ; and then it shall be referred to a Committee of the Whole House, before any resolution or vote of the House do pass thereupon.

94. The Committee of Supply and of Ways and Means are appointed on motion, without previous notice, at the commencement of each Session, so soon as an address has been agreed to in answer to the Speech of the Lieutenant-Governor.

Printing.

95. On motion for Printing any Paper being offered the same shall be first submitted to the Standing Committee on Printing, for Report, before the question is put thereon.

VI.—Officers and Servants of the House.

96. The Hours of attendance of the respective officers of the House, and the extra clerks employed during the Session, shall be fixed from time to time by the Speaker.

97. Before filling any vacancy in the service of the House by the Speaker, inquiry shall be made touching the necessity for the continuance of such office ; and the amount of salary to be attached to the same shall be fixed by the Speaker, subject to the approval of the House.

98. No Clerk or Messenger shall be employed, nor any new appointment made, until the Clerk of the House shall have set forth the necessity for such appointment, and shall have delivered such requisition to the Speaker endorsed with his recommendation and approval.

99. It shall be the duty of all the Permanent Officers of this House to complete and finish the work remaining at the close of the Session.

100. The Clerk of the House shall be responsible for the safe keepkeeping of all the Papers and Records of the House, and shall have the direction and control over all the officers and clerks employed in the offices, subject to such orders as he may from time to time receive from the Speaker of the House.

101. The Clerk of the House shall place on the Speaker's table, every morning, previous to the meeting of the House, the Order of the Proceedings for the Day.

102. It shall be the duty of the Clerk to make and cause to be printed, and delivered to each Member at the commencement of every Session of Parliament, a List of the Reports, or other periodical Statements which it is the duty of any officer or department of the Government, or any corporate body, to make to the House, referring to the Act or Resolutions and page of the volume of Laws or Journals where-

in the same may be ordered ; and placing under the name of such officer or corporation a List of the Reports or Returns required of him, or it, to be made, and the time when the Report or Periodical Statement may be expected.

103. The Sergeant-at-Arms attending the House shall be responsible for the safe keeping of the Mace, Furniture, and Fittings thereof, and for the conduct of the Messengers and inferior Servants of the House.

104. No stranger who shall have been committed by Order of the House to the custody of the Sergeant-at-Arms, shall be released from such custody until he has paid a fee of four dollars to the Sergeant-at-Arms.

105. No allowance shall be made to any person in the employ of the House, who may not reside at the Seat of Government, for travelling expenses in coming to attend his duties.

VII.—Library.

106.—A proper Catalogue of the Books belonging to the Library shall be kept by the Librarian, or person in whom the custody and responsibility thereof shall be vested, and who shall be required to report to the House, through the Speaker, at the opening of each Session, the actual state of the Library.

107. No person shall be entitled to resort to the Library during a Session of Parliament, except the Lieutenant-Governor, the Members of the Executive Council and Legislative Assembly, and the officers of the House, and such other persons as may receive a written order of admission from the Speaker. Members may personally introduce strangers to the Library during the day-time, but not after the hour of six o'clock p m.

108. During a Session of Parliament, no Books belonging to the Library shall be taken out of the building, except by the authority of the Speaker, or upon receipt given by a Member of the House.

109. During the Session the Library shall be open daily, from nine o'clock a.m. until nine o'clock p.m. ; and should the House remain in Session after such hour, the Library shall remain open until the House adjourns.

110. During the Recess of Parliament, the Library shall be open every day in each week, Sundays and Holidays excepted, from the hour of ten in the morning until four in the afternoon, and access to the Library shall be permitted to persons introduced by a Member of the Legislature, or admitted, at the discretion of the Clerk or Librarian, subject to such regulations as may be deemed necessary for the security and preservation of the collection.

111. During the Recess of Parliament, no Member of the House shall be at liberty to borrow, or to have in his possession at any one time, more than three works from the Library, or to retain the same for a longer period than one month. No books of reference, or books of special cost or value, may be removed from the Seat of Government under any circumstances.

112. At the first meeting of the Library Committee, in each Session of Parliament, the Librarian shall report a list of Books absent at the commencement of the Session, specifying the names of any persons who have retained the same, in contravention of any of the foregoing rules.

Unprovided Cases.

113. In all unprovided cases, the Rules, Usages and Forms of the House of Commons of the United Kingdom of Great Britain and Ireland, as in force at the time, shall be followed.

114. The Votes and Proceedings of this House shall be printed, having been first perused by the Speaker, and he shall appoint the printing thereof, and no person but such as he shall appoint shall presume to print the same.

114 (*a*). If anything shall come in question touching the Return or Election of any Member, he is to withdraw during the time the matter is in debate, and all Members returned upon double Returns are to withdraw until their Returns are determined.

115. If it shall appear that any person hath been elected or returned a Member of this House, or endeavoured so to be, by bribery, or any other corrupt practices, this House will proceed with the utmost severity against all such persons as shall have been wilfully concerned in such bribery or corrupt practices.

116. The offer of any money or other advantage to any Member of this House, for the promoting of any matter whatsoever depending or to be transacted in Parliament, is a high crime and misdemeanor, and tends to the subversion of the Constitution.

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APPENDIX.

THE MACE AND ITS USE.

BY CHARLES CLARKE, M.P.P., SPEAKER OF THE ONTARIO LEGISLATURE.

From Canadian Monthly, August, 1881.

"Who is He?" "What is It?" Such are the queries which flash through the minds of thousands who look, for the first time, with curiosity rather than with awe, upon the Serjeant-at-Arms and his Mace, in the Dominion House of Commons and the Ontario Legislative Assembly. They see a remnant of mediævalism borne by a distinguished looking personage in solemn black and irreproachable white tie, wearing a dress sword and lavender gloves, an odd cross between the Past and the Present, and supposed, in some unaccountable manner, to form a link between the throne and the people, and wonder what it all means, whence the custom came, and why it is kept up. That the serjeant is a constable of a higher order than that of the ordinary tipstaff; that his mace is his rather unwieldy and not very formidable badge of office; that he appears to be on good terms with himself and everybody else, and especially with himself; that he possesses enormous powers in going where and doing what, on the floor of the House, his fancy dictates; and that his position is a very enviable one, are the thoughts passing through the mind of every stranger in the gallery, partly wrong and partly right, but natural under the circumstances, as the impressions of sight-seers frequently are. To give a more definite idea of the mace and its uses, rather than that of its custodian and bearer, is the object of the writer, and in doing this he will make only such passing references to the serjeant and his duties, as may be necessary to the elucidation of his subject.

The origin of the mace is an antiquarian enigma. That it was originally more than an emblem of power is undoubted. Like the sceptre, which to a certain extent it displaces, and of which it is now a representative, it was employed as a weapon in its early history, and may have had an Oriental birthplace. Both found their prototypes in a more humble symbol of authority. The sculptures at Perseopolis represent a Persian monarch carrying a wooden staff, nearly the height of a man, studded with gold nails. At the period of the date of the Sabines, kings, as an ensign of their dignity, bore a long staff —the *skeptron* of the Greeks. The Hebrew word *shvet* is variously translated as "rod," "staff," "sceptre." Homer tells how kings employed their sceptres in the infliction of punishment. The rod, or staff, used originally as a means of coercion and engine of power, was then borne as a token of superiority, and ultimately came to be regarded as an emblem of royalty. It was viewed with superstitious reverence, was sacred and holy in the eyes of the multitude, and none was so solemnly bound as he who touched it while taking an oath Jove swore as frequently by his sceptre as by heaven or the river Styx. Hebrew poetry abounds in allusions to "the strong rods," the sceptres of them that rule. To break or rule with a rod of iron was synonymous, in ancient times, with a rough exercise of earthly or heavenly power. The staff of Jacob, the rod of Moses, the divining rods of the magicians were but material representatives of more than ordinary control over men and things, and were viewed by mankind with a faith inspired by dread. The bishop's crook of to-day is a surviving relic of the ancient rod, but has lost the potency of its predecessor. The baton of the marshal, of the musical conductor, of the fugleman, of the drum-major, of the policeman, of the village constable, are symbols, more or less humble, of authority, and as significant—in their way—of power, as the jewelled sceptre of the proudest monarch, the blackthorn shillelagh of Brian Boru, or the upraised umbrella of King Coffee himself. They had, like the sceptre or the mace, their original in the Israelitish rod or

its predecessor, and are as significant of that control which produces order, and tell of that power behind the throne which insists upon and is able to enforce obedience.

The mace (from *massue* or *masse*, a club) was a favorite weapon of the Middle Ages, assuming various forms, as the fancy of the workman or owner suggested. It was described by several writers as the successor of the *baston* of the eleventh century, which was an iron-tipped staff or simply a wooden bludgeon or knotted club, as depicted in the Bayeux Tapestry, and represented there as being carried by William, Duke of Normandy, and Odo, Bishop of Bayeux. Scandinavia, in its knotted clubs, may have furnished the model after which they were formed, and thus, the most valiant of the sons of Odin, with his huge hammer, may have been the first mace-bearer. That it was a favorite ecclesiastical weapon is undoubted, and, it is to be hoped, was used exclusively for defensive purposes, although Planche tells that it was employed by pugnacious prelates, who thereby evaded the denunciation which declares that "all they that take the sword shall perish with the sword." The baston was speedily superseded by maces made of iron, bronze or lead, which, when of the latter material, were known as *plombees* or *plommes*, and were used for the purpose of breaking the armour of an opponent. In the valuable collection of Mr. John Notman, Queen's Printer of Ontario, may be seen a well preserved specimen of one of the varieties of the weapon favored by our quarrelsome forefathers, although it is certainly of later date than the eleventh century, and belongs to the family of flails, morning stars or holy-water sprinklers, as they were quaintly termed, rather than that of the mace proper. It is made entirely of iron, with a handle fashioned somewhat like a whip-stock, twenty inches in length, with a circumference of three inches at one end, tapering to two and a half inches at the other. At the large end is an ornamental bulb, sufficiently large to be grasped by the hand wielding the weapon, and at the other is a chain, seven inches in length, to which is attached a solid ball, five-and-a-half inches in circumference. Upon this ball are nine solid spikes, each of which is half an inch long, with a width of five-eighths of an inch at its base. Each spike has four equal sides, coming gradually to a point. This weapon, weighing about four pounds, was hung to the saddle-bow, ready to be used at close quarters, and, in a powerful hand, could be employed with deadly effect even upon an armoured antagonist. The entire handle is covered, *in relievo*, with spiral columns of figures, amongst which are those of several warriors in martial costume and accoutrements. This interesting relic of a past age is worthy of inspection.

In the romance of "Richard Cœur de Lion," maces are described as made of steel or brass, while Guiart and Froissart speak of them as of lead. With the varying material were varying forms, some carrying spherical heads, and others being decorated, while a smaller kind was used, termed "massuelle," and still another, "quadrell," which had four lateral projections, forming a rude representation of the leaves of a flower. These were such convenient weapons that they were employed in great numbers by all classes, and the abuses springing therefrom led to the issue of a Proclamation, in the reign of Edward III., forbidding their use by the citizens of London, and they became unlawful, as is the revolver to-day in this community. The mace was often employed in tournaments and jousts of peace, and Chaucer, in the "Knight's Tale," tells how

> "Som wol ben armed on his legges wele,
> And have an axe, and som a mace of stele."

But for the friendly trials of skill the weapon was of wood, with a hilt fashioned like that of a sword. Shakespeare, too, alludes to this common weapon, when in *Julius Cæsar* he says: "Lay'st thou thy leaden mace upon my boy?" It was not, in fact, until the early part of the sixteenth century, when pistols became a weapon, that the mace ceased to be employed on the battle field.

In the reign of Richard I., military serjeants-at-arms were more extensively employed than in later reigns, and carried a barbed javelin, known as a pheon, and their special duties were to act as a body-guard to the king. The pheon borne by them became a charge in heraldry, and is still known as the royal mark, being commonly called "the broad R," a corruption of the broad "arrow." By Statute 13 Richard II., c 6, the serjeants-at arms were limi-

ted to thirty, their office being to attend the person of the king, to arrest offenders, and to serve the Lord High Steward when sitting in judgment upon a peer of the realm. Serjeants-at-arms existed in France as in England, and it is probable that the office originated there. In both countries maces were the weapons carried by these officials. Two slabs in the Church of Culturé, Sainte Catherine, Paris, and which were destroyed during the reign of Louis XIV., represented two serjeants-at-arms in armour, and two in civil costume, each bearing a mace of silver, richly ornamented, and enamelled with *fleurs-de-lys*. It is interesting to note that this church was founded by Louis IX. (St. Louis), at the prayer of certain serjeants-at-arms, in commemoration of their successful defence of a bridge at the Battle of the Bovines, A.D. 1214. The illuminations of the 13th and 14th centuries abound in illustrations of serjeants-at-arms, some of whom are in military dress of armour, and others in civilian attire, but all of whom bear maces; and we learn that in 1414, by an ordinance of Thomas, Duke of Lancaster, at the Siege of Caën, the maces of the then serjeants-at-arms are described as of silver—a strong proof of the high position held at that period by the royal body-guard. In an illumination still preserved and reproduced in Planché's work on Costumes, we find depicted the presentation of a book by John Talbot to Henry IV. and his Queen, and in this is to be seen the earliest known example of a mace surmounted by a crown, as are the maces of gentlemen-at-arms at the present day, when these officers no longer act as a military body-guard, but as attendants on the royal person. That maces were employed as emblems of royal authority, not only in Parliament, but in civic corporations previous to the time of Richard II., is evidenced by the fact that, in 1344, under Edward III., the Commons prayed the King that none within cities and boroughs should bear maces of silver except the King's serjeants, but should have them of copper and no other metal; but, in 1354, the King granted to the Mayor and Sheriffs of London and Middlesex liberty to cause maces of gold or silver to be carried in the presence of the King, Queen, or children of the royal pair, although the right to use a mace had been previously possessed by them. Grants of maces by the King to favored cities were not uncommon, and from an article in "The Antiquary," from the pen of George Lambert, Esq., F.S.A., to which the writer is indebted for much interesting information, we learn that these marks of royal generosity were sufficiently numerous to arouse the jealousy of the Commons. While the Parliament of Edward III. protested against the use of silver maces by the officers of cities and boroughs, that of Richard II. petitioned that no serjeant of any town should be allowed to carry his mace out of his own liberty, or township. But the boroughs were rapidly gaining in importance and strength, and could not be so easily denied or curtailed of privileges; and gifts of maces still continued to be exercised and accepted as marks of royal favor or concession. In the fifth year of Henry IV., permission was granted to the city of Norwich to display a gold or silver, or silver-gilt, mace in the royal presence, and Henry V. gave to the guild of St. George, in the same city, a wooden mace "with a dragon's head on the top thereof." Similar grants of civic maces were made by other monarchs, and Norwich, in these distributions, appears to have been specially fortunate. Elizabeth, in 1578, presented it with a mace, and James I., in 1605, permitted it to have two serjeants to carry two maces of silver, and gilt with gold, bearing the King's arms. After the Restoration, when the plebeian had wrested from royalty and nobility a much larger share of power than he had previously possessed, and become an object of fear as well as of respect, a thing to be cajoled and conciliated, the right to use the mace by civic corporations became almost a matter of course, although still derived from the Crown. The right was almostly lavishly extended, and maces were frequently a graceful gift from wealthy commoners to their fellow-citizens. The whole of these were now surmounted by the crown, and the free use of this emblem came to be regarded as not only a proof of the loyalty of the authorities to the newly-restored regime, but as a rebuke to the Puritanical hatred of symbols which had prevailed in Cromwellian days. But the whole of the maces were not of the costly metals. In Llandiloes, Wales, there was one of lead, and at Langharne two still exist of wood. Nor was the shape, with which we are familiar, invariably observed. Two at Fowey, were made representative of the local-

ity, by being fashioned in the form of a pair of oars. And utility was consulted as well as appearance at times. The crown of the mace was so constructed as to unscrew from the bulb at the top of the shaft, which thus became the loving cup, regarded as a necessary portion of the paraphernalia pertaining to the proper civic representation of our bibulous ancestors. Many of these loving cups, as an adjunct of the mace, still exist, and at corporation banquets, when aldermanic hospitality is in full flow, are passed from guest to guest until their generous contents have been absorbed. Of the numerous specimens of this old-fashioned mace, probably one of the finest is to be found in the ancient city of Lincoln, in England, and a brief description of it will give a fair idea of the best class of these relics of "the good old times." It cannot boast the ancient origin claimed by others, dating back, as it does, only to the days of the Merry Monarch, but in quality of workmanship it has probably few superiors. It is of silver-gilt, about four feet in length, with a head formed in the manner already described, and carries an open regal crown, surmounted by cross and orb. The portion below the crown is divided into four compartments by draped forms wearing mural crowns. Each of these compartments contains a crown below the initials C.R., surmounting respectively a rose, a thistle, a harp, a *fleur-de-lys* The stem is beautifully chased with roses and thistles, and is broken by knobs, while the connection of the head and stem is covered by very elegant spiral branches. The object of this paper is to deal rather with the Parliamentary than the Civic Mace, however, and we must pass on to that branch of the subject.

Such authorities as the writer has been able to consult are silent as to the early use of a mace by the Parliamentary Serjeant at-arms, and the first appointment of that functionary himself appears to be lost in the same mists of antiquity as those which have enveloped the first nomination of a presiding officer in the House of Commons. Although the official discharge of the duties of Speaker must have existed long antecedent to the recorded appointment of such a personage, we find no mention of him until the title became settled in 1377, when, in the first year of the reign of Richard II., the House of Commons elected Sir Thomas Hungerford to that position. As we have seen, as early as 1344, the House of Commons had protested against the bearing of maces of silver by civic authorities as an infringement of its own dignities, thus incontestibly proving that the mace was in use in its Chamber, and there is ample proof that serjeants-at-arms attended the Lords and Commons in 1388. Stubbs says that the existence of the offices of the Clerk and Serjeant, from an early date, is shown "by occasional mention in the rolls, but the development of their functions, and all matters of constitutional importance connected with them, are of later growth." In the Journal of Sir Simonds D'Ewes we find a graphic description of the election of Speaker in 1563, in the reign of Elizabeth, and here we have one of the first illustrations of the use to which the mace was put. He tells us that, after Sir Thomas Gargreve had been allowed and confirmed as Speaker by Her Majesty, he "departed with the other Members of the House of Commons unto their own House, the serjeant of the same carrying the mace all the way before the said Speaker, which was in like sort borne before him during this Parliament, both when he repaired to and departed from the said House." The same authority declares "the custom to be on the election of Speaker, that the mace is not carried before him until his return from the Upper House, being presented to the King and allowed of." These bare references, in the absence of such a store of Parliamentary record as is to be found in the English archives, are all that the writer has been able to find relating to the employment of the mace before the days when Cromwell, the Lord Protector, on the memorable 10th April, 1653, ordered its removal from the House, exclaiming, "Take away that bauble? Ye are no longer a Parliament. The Lord has done with you. He has chosen other instruments for carrying on his work." But while the early history of what Homersham Coxe so eloquently described as "the ancient symbol of the authority of the Commons—that venerable 'bauble' which is associated with so many eventful passages of English history—which was never yet insulted with impunity, but when liberty received a wound," is so defective, there is abundant material from which to gather a lucid description of its uses.

In England—and a similar practice prevails in such of her dependencies as use the mace—when a new House has been elected and proceeds, on its first meeting, to the selection of a Speaker, the mace is placed under the table of the House until a choice has been made; when the newly-elected Speaker takes the chair it is placed upon and across the table, where it always remains while he occupies his seat. Until the Speaker-elect has been presented to the Sovereign or his representative for acceptance, he leaves the House, at adjournment, without the mace before him. The House frequently suspends its sittings, but without adjournment, and the mace remains upon the table, and, on the Speaker returning, business is gone on with as if no interruption had occurred. When the Speaker leaves the chair, upon the House going into Committee of the Whole, the mace is removed from the table and placed under it, being returned to its old position upon his resumption of the chair. When the Speaker enters or leaves the House at its adjournment, the mace is borne before him, remains with him until the next sitting, and accompanies him upon all State occasions, "in which he shall always appear in his gown." May tells us, that "in earlier times it was not the custom to prepare a formal warrant for executing the orders of the House of Commons, but the serjeant arrested persons with the mace, without any written authority, and at the present day he takes strangers into custody who intrude themselves into the House, or otherwise misconduct themselves, in virtue of the general orders of the House and without any specific instruction," and the Speaker, accompanied by the mace, has similar powers. We learn, from May again, that "when a witness is in the custody of the serjeant at-arms, or is brought from a prison in custody, it is the usual, but not the constant, practice for the serjeant to stand with the mace at the bar. When the mace is on the serjeant's shoulder, the Speaker has the sole management: and no member may speak or even suggest questions to the Chair." To obviate this difficulty, it is now customary to place the mace upon the table when a witness is at the bar, so that any member may propose a question to him through the Speaker. Hatsell says, that "from the earliest account of Peers being admitted into the House of Commons, the mode of receiving them seems to have been very much the same as it is at present; that is, that they were attended from the door by the serjeant and the mace, making three obeisances to the House; that they had a chair set for them within the bar, on the left hand as they enter, in which they sat down covered; and if they had anything to deliver to the House, they stood up and spoke uncovered, the serjeant standing by them all the time with the mace; and that they withdraw making the same obeisance to the House, and the serjeant with the mace accompanying them to the door." No member is at any time allowed to pass between the Chair and the table, or between the Chair and the mace when it is taken off the table by the serjeant. It is employed, too, to enforce attendance of Committeemen, sitting on special or other committees, at times when the Speaker finds it impossible to otherwise make a House at the hour for the commencement of the day's session. The appearance of the serjeant with the mace dissolves any committee then sitting, and, to avoid this catastrophe, it is usual to send a messenger in advance to announce his advent, and so give the committee time to adjourn.

Some disagreement exists among the authorities as to the history of the mace now in use in the British House of Commons. Hatsell asserts that it was made for Charles I.; May says that, after the death of Charles I., a new mace was procured, which was taken away by Cromwell's order, 19th April, 1653, restored on the 8th of July of the same year, and continued in use until the present time; and others contend that the mace now belonging to and preserved by the College of Physicians is the veritable "bauble." It may be added that, for safe keeping, it is placed during the period of prorogation, in the Jewel Office, so that similar obscurity as to its future history is not likely to prevail.

Of the early history of the mace in Upper Canada, we have undoubted proof, in the present existence of that first so employed. It is in appearance as primitive as was the Parliament which assembled at the call of Governor Simcoe, at Niagara, on the 17th September, 1792. That was the day of economy and simplicity, and the wooden mace, painted red and gilt, was in keeping with that small assemblage of sturdy backwoodsmen clad in homespun

grey, less in number than the smallest County Council of 1881, who met to enact laws providing for the few wants of a young people. It is probable that it graced the legislative hall at Niagara, although there is no positive evidence to that effect. It was certainly used after the removal of the Upper Canada Parliament to York, for, on the 27th April, 1813, when the United States forces attacked the seat of government and captured it, they destroyed the public buildings of the embryo city of Toronto, burnt the Parliament House, and carried off sundry trophies of their victory. Amongst these was the mace used in the Assembly. Commodore Chauncey, the commander of the successful expedition, forwarded it with other spoils of war to the Secretary of the United States Navy, and it is still to be seen, with a British Standard, captured at the same time, in the United States Naval Academy, Annapolis, Maryland, in an excellent state of preservation The Hon. W. H. Hunt, Secretary of the Navy, at the request of the writer, recently directed Rear-Admiral George P. Balch, Superintendent of the Academy, to prepare a full description of the trophy, and, as a result, photographs of it have been taken, and an elaborate account of it forwarded, which, as it is of historical value, is given at length. It is somewhat technical in character, but possesses sufficient interest for the general reader to warrant its reproduction in these pages without abridgment. One photograph gives a full view of the mace, and others of its crown or head, and of its base, and so convey an idea, not only of its appearance, but of the care with which it has been preserved during its nearly seventy years' sojourn in the United States.

"The mace is of some soft wood, perhaps pine or fir, and consists of a staff, or mid part, surmounted by a crowned head, and ending below in a foot shod with an iron verrel. The length, from the mound on the crown to the tip of the verrel, is $55\frac{5}{8}$ inches; the staff is $34\frac{5}{8}$ inches in length; the head, neck and crown together are $11\frac{1}{8}$ inches long, and the length of the foot, including verrel, is $9\frac{1}{4}$ inches. The staff is taper from neck towards the foot; the neck between the staff and head, counting from the former, is moulded as follows:—A cavetto, a fillet, a torus, a Scotia fillet, torus, Scotia fillet; the head is circular, in horizontal section (the whole mace having been turned in a lathe), and is shaped somewhat like a rifle projectile inverted, the point of the projectile being supposed to be cut off. The crown is notably an imperfect crown, not being heightened by the customary four crossed *pattes* with the four *fleurs-de-lys* alternately interspersed; the mound, also, is without bands, and lacks the customary cross. The crown consists of a regal circlet, enriched on its lower and on its upper edge with an inverted border-line; and midway between the two border-lines are interspersed, in regular alternations, horizontally, eight lozenges, with eight pearls, the arrises of the lozenges being distinctly chamfered. The jewels are of wood, glued on—six of them only remain. The lozenges lie horizontally as to their long axis; the crown is duly bonneted and duly arched twice; the bonnet is of wood, rudely carved and painted red; the arches embracing it are of thin sheet-brass, or copper, fastened between the circlet and bonnet with small wedges of soft wood. The intersection of the arches is marked by a mound without bands, the cross being absent as before mentioned. The lower end of the staff, next the foot, is moled: counting from the staff, a cavetto, fillet, torus, fillet, cavetto. Then follows the foot itself, oval in vertical sections, circular horizontally, the lower end of the oval being, as it were, drawn out to a point, cone, equal in length to the oval itself, and shod, as before stated, with a verrel of iron. The staff, just above the foot, has been broken diagonally across, the break running with the grain of the wood, and the parts are now held together by two steel screws. The discoloration of the surfaces of the fracture would seem to indicate that it occurred many years since. The design of the mace is apparently unstudied, and the workmanship is ordinary. The whole was originally gilded, except the bonnet, which was painted red, as described above."

The reception of this elaborate description is but one of the many similar courtesies experienced by the writer at the hands of various officials, in the United States and Canada, while engaged in collecting materials for this paper, and he cannot do otherwise than here express his high appreciation of the readiness with which his queries have been replied to, and the great trouble taken to furnish him with correct information.

Of the mace used in Upper Canada, from the date of the capture of that described, to the purchase of one for the Parliament of Canada, after the union of the two Provinces, nothing has yet been ascertained, although many have been communicated with who were thought to be likely to possess some knowledge of it. That it still exists is almost certain, and it is hoped that the publication of this paper will attract a more general attention to the subject, that the missing link may yet be found, and that Ontario may have restored to her, for public preservation, a relic of such great historical interest.

After the Union of the Canadas, and when Sir Allan Macnab was Speaker, the Parliament ordered the purchase of a new mace, and one was secured, in 1845, at a cost of £300 sterling, which is described as a *fac simile* of that in the English House of Commons. It is composed of silver richly gilded and elaborately chased, with an entire length of five feet. The top, in the shape of a crown, is of open work, four pieces, and is surmounted by an orb and cross. The encircling fillet below the crown bears lozenges and pearls. The cup below this band is formed of four segments, each supported from below by the demi-figure of a nude and armless woman. Each segment bears a royal crown, with the letters V.R., and below them one has a rose, another a thistle, the third a harp, and the fourth a Prince of Wales plume. An ornamented ring, repeated about the centre of the shaft, then follows. The shaft is about thirty-two inches in length, the head eighteen and the foot nine inches, and has a raised fillet running around it diagonally from base to head, while the space between the spiral band is elaborately chased with roses, thistles and leaves—probably of the shamrock. The lower portion of the same is divided into four segments, bearing the harp, the rose the thistle, and plume, while the extreme base is smooth and polished. Just above it are other segments, bearing the floral emblems.

The history of this mace is a stirring one. Three several times has it been rescued from the flames. In 1849, at the time of the destruction of the Parliament Buildings in Montreal by an infuriated mob, it was forcibly seized from G. K. Chisholm, Esq., the then Serjeant-at-Arms, who was knocked down while defending it, and it would have been destroyed but for the intercession of some more thoughtful of the rioters, who carried it off to the rooms of Sir A. Macnab, at the Donegana Hotel, whence it was returned next morning to its proper custodian, after suffering slight injury. In 1854, when the Parliament Buildings were destroyed by fire in Quebec, it was saved, as it was once more, a few months later, when the Convent of St. John's Suburbs, of that city, then in course of preparation for the meetings of the Legislature, was consumed. At Confederation, it properly passed into the hands of the Dominion Parliament, and is now used at its annual Sessions.

In the Province of Ontario, a new mace was procured by the Government of the Hon. J. Sandfield Macdonald, for the opening of the first Parliament after Confederation. It is much more modest in its appearance and value than that of the Dominion, is made of copper and is highly gilded. It was manufactured by Charles C. Zollicoffer, of Ottawa, at an expense of $200, and bears some resemblance to the much more costly one belonging to the Dominion Parliament.

At the time of the Union of the Provinces of Upper and Lower Canada, in 1841, the mace of the House of Assembly of Lower Canada was regarded as more valuable than that of Upper Canada, and was used by the United Parliament until the purchase of a new one, as described, in 1845. One authority states that it was restored to Lower Canada at Confederation and is used in the Quebec Assembly, while another asserts that the mace now there was purchased in 1867. In the absence of more definite information, these varying accounts are given for what they are worth.

In New Brunswick, no mace has ever been employed. Prior to the entry of the Province into Confederation, the Serjeant-at-Arms wore a sword with silver mounting, which since 1879 has been gilt. When receiving report of the message to attend the Lieutenant-Governor, the Serjeant carries a staff, as a substitute for the orthodox mace, doubtless, as he does whenever the Assembly meets the Lieutenant-Governor.

In Manitoba, a mace of somewhat primitive form and style is used, but it is probable that it will soon be superseded by a more fitting emblem of authority.

In the Province of Prince Edward Island, a mace is not now and never has been in existence, and Nova Scotia, although following British forms in other respects, has never adopted "the bauble!" In British Columbia we learn that the mace has been in use since Confederation.

Enquiries addressed to officials in the thirteen original United States, have elicited some facts with reference to the use of the mace therein, which are worthy of record. In Massachusetts, as might have been expected in a colony settled largely by Puritans, no evidence, after a careful search of the archives, can be found of the adoption of the mace at any period of its history. New Jersey and Georgia supply similar answers. From New Hampshire, Gov. Bell writes: "This State began life as a royal province in 1680, on a very limited scale, with an Assembly of about a dozen delegates. It probably would have seemed idle to set up formalities in such a body, and the records show that their proceedings were conducted with amusing simplicity; and probably at no time before the Revolution was there any occasion for introducing any formidable badge of authority." The journals of the State afford no proof that the mace was ever employed there. From Connecticut, the State Librarian writes: "I have some familiarity with our old Colonial proceedings, having edited our Colonial Records from 1689 to 1762, and having now ready for publication a volume 1762-1767. I have never seen any reference to a mace, nor do I believe that one was used here; we had not so much state here as in some of the other Colonies, but were from the beginning more democratic. The Royal Arms which hung over the Speaker's chair (or in the Council Chamber) before the Revolution, is still preserved, and in a pretty good condition." The Librarian of New York State promises to make full enquiries into the matter; but another official says: "I believe that the mace was not used in the proceedings of the General Assembly of the Province of New York. The intercourse between the Speaker of the Assembly and the Governor of the Province, *ex officio*, the President of the Council, was more or less informal. Messages from one House to the other, were partly carried by members, partly by clerks. Among the latter, I find nowhere mention of a 'mace bearer,' the only officer mentioned by title being the Serjeant-at-Arms. The following extract from the Journal of the General Assembly, will give an idea of how they proceeded, the occasion being the opening of the first session after George III. became king:

"'A message from His Honour the President Cadwallader Calder (acting as Lieutenant-Governor), by Mr. Banyer, Deputy Secretary: Gentlemen, His Honour the President requires the immediate attendance of the House in the Council Chamber at Fort George.

"'The Speaker left the chair, and with the House attended accordingly, and, being returned, he resumed the chair and reported as follows:' . . .

"The simplicity of this ceremony, and the above mentioned absence of such an officer as the mace-bearer from the list of Government officials, induce me to believe that the mace was not in use in the colony." It is highly probable, however, that as a Serjeant-at-Arms was one of the recognized officials of the House at that date, further research will disclose the fact that a mace also existed.

Virginia, as might be expected, undoubtedly used a mace in its House of Burgesses, and hopes are expressed by distinguished antiquarians of the State, that some trace of its continued preservation may yet be discovered, although not unmixed with fears that, in the rage for the destruction of all royal symbols which followed the Revolution, the mace itself may have been destroyed. Colonel McRae, the State Librarian, finds a record, in the printed journals of the Virginia Assembly, of an order of that body, in or about the year 1783, for the sale of the mace, and the disposition of the proceeds of the same in the State treasury, and there is little doubt that, in the then temper of the Legislature, this order was strictly obeyed Whether the mace, when sold, was broken up, which is probable, or preserved, cannot now be ascertained. The City of Norfolk, Va., possesses a silver mace which was once believed to be the missing one belonging to the House of Burgesses, but it is incontestably proved to have been presented by the Hon. Robert Dinwiddie, the Lieut.-Governor of Virginia, to the corporation of Norfolk, in 1753. It is forty-three inches long, weighs six and a half pounds, and is of pure silver. It is surmounted by the crown, orb and cross, and bears the combined quartering of

Great Britain. During the recent war between the North and South, it was carefully hidden in the vault of a bank, and so kept from despoiling hands at a time when the scarcity of hard money made bullion of enormous nominal value.

In as far as these inquiries have extended, it would seem that the State of South Carolina alone possesses a mace, and although the particulars of its history are not full, enough is known respecting it to invest it with uncommon interest. From a photograph, prepared and forwarded by order of the Government of the State, it appears to be of ordinary length, surmounted by crown, orb and cross, and with the royal arms upon the cup, which carries the usual jewels, and has an ornamental border of *fleurs-de-lys*, alternating with Maltese crosses. The shaft, like that of the mace at Ottawa, has raised bands, running spirally from base to cup. The cup is supported by floriated brackets, instead of nude figures, as in many other maces. Accompanying the photograph of the Carolina mace is one of a sword of state used in old colonial times State ceremonies. Hon. W. P. Miles, President of South Carolina College, says: "I wish it was within my ability to give you any definite information in regard to the mace now in the State Capitol. In some way, I received the impression that it was brought over about 1729, when the Proprietary Government went out and the Royal Government took its place. But I do not recollect from what source the impression came. Up to 1692, the Acts purport to have been done in Open Parliament; after that date it was in Open Assembly. It may, therefore, be that the mace came with the first Parliament, and was used during the Proprietary term. I have searched all the Tax Acts up to 1772 to see if an application was made for its purchase, but have not found one. That year was taken as a starting point, because of the memoir of Jos. Quincey, jr., on the 19th March, 1773, he says: 'Spent all the morning in hearing the debate of the House; had an opportunity of hearing the best speakers in the Province. The first thing done at the meeting of the House is to bring the mace, a very superb and elegant one, which cost nearly ninety guineas, and lay it on the table before the Speaker. The next thing is for the Clerk to read over, in a very audible voice, the doings of the preceding day. The Speaker is robed in black, and has a very large wig of state when he goes to attend the Chair (with the mace borne before him), on delivering of speeches etc.'" Judge Glover, of South Carolina, writes: "My information respecting the mace, to which your letter refers, is, that on the evacuation of Charleston by the British army, after the Revolutionary War, the mace was taken away, and that when Judge Cheves was appointed the president of the U. S. Bank, he found the mace in the bank, and, having given $500 for it, returned it to the General Assembly, where it has been, as I recollect, since 1822. The mace, I have heard, was a gift from the King to the Colonial Assembly, and it is possible the sword was also. I have never known the former used in the House, but the latter has always been borne by the Sheriff of Richmond on the inauguration of the Governor; certainly since 1822." Another authority states that the mace and sword are now used at the inauguration of the Governor, but not at the sessions of the General Assembly at other times.

From Rhode Island, Pennsylvania, North Carolina, and Maryland, no answers have been received, and in the absence of them, and of access to the necessary records, it is impossible now to state whether the mace was recognized in these Provinces or not.

The writer set out with the intention of throwing some light upon the use of the mace in Canada and the United States, but feels, while reluctantly closing this paper, that he has but half completed his task, and that he stands at the threshold of a consideration of the parliamentary forms brought from the Motherland, and engrafted upon American modes of legislation, which it suggests. If he succeeds in directing the attention of however small a number of our students of Political Science to a matter which must possess some interest for them, he will feel that his object has been gained, and that he has been warranted in placing this additional pebble upon the cairn of Canada's history.

FORM "A." *See page 36.*

Notice of intention to introduce a Bill. *

Mr. gives notice that he will, on next, move to introduce a Bill to amend the Act.

FORM "B." *See page 36.*

Motion upon introduction of a Bill.

Mr. moves, seconded by Mr. , that leave be given to introduce a Bill intituled "An Act to amend the Act," or, "An Act to incorporate the Company (*as the case may be*) and that the same be now read the first time.

FORM "C." *See page 28.*

Motion for three months' hoist.

Mr. moves, in amendment, seconded by Mr. That all the words of the Motion after the word "That" be struck out and the following substituted therefor, or, inserted in lieu thereof "the Bill be not now read the second time, but be read the second time on this day three months."

FORM "D." *See page 46.*

Notice of amendment to Private Bill in full House.†

Mr. gives notice that he will, when the House is in Committee of the Whole, or, upon the motion for the third reading of Bill (No.), To incorporate, etc., (*short title*), move to amend the same by inserting, or striking out, the following (*as the case may be.*)

FORM "E." *See page 28.*

Notice of Motion for an Address for Return of Papers.

Mr. gives notice that he will, on next, move that an humble Address be presented to His Honour the Lieutenant-Governor, praying that he will cause to be laid before this House a Return of copies of all Orders in Council, correspondence, etc., re ating to, or in the matter of, etc.

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*No notice is necessary for the introduction of a Private Bill, as it is done when Petition is reported to the House by Standing Orders Committee.

†No notice necessary in case of a Public Bill. If it is the wish to amend a Private Bill before Standing Committee. then file a copy, with the proposed amendments inserted, with the Clerk of Committee.

FORM "F." *See page 28.*

Notice of Motion for an Order of the House for a Return of Papers, etc.

Mr. gives notice that he will, on next, move for an Order of the House for a Return of copies of all correspondence, papers, etc., relating to, or, in the matter of, etc.

FORM "G." *See page 17.*

Notice of intention to ask a Question of Ministry or Member.

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